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438

# STATUTES

OF THE

# PROVINCE OF ONTARIO,

PASSED IN THE SESSION HELD IN THE

THIRTY-SEVENTH YEAR OF THE REIGN OF HER MAJESTY

## QUEEN VICTORIA,

BEING THE THIRD SESSION OF THE SECOND PARLIAMENT OF ONTARIO,

BEGUN AND HOLDEN AT TORONTO, ON THE SEVENTH DAY OF JANUARY, IN THE YEAR OF OUR  
LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

1874 (Vol. 1)



212045-  
9:5:27

HIS EXCELLENCY  
THE HONOURABLE JOHN CRAWFORD,  
LIEUTENANT - GOVERNOR.

Toronto:  
PRINTED BY JOHN NOTMAN,  
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

ANNO DOMINI 1874.





STATUTES

PROVINCE OF ONTARIO

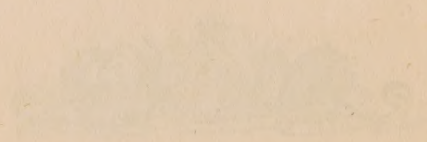
PASSED IN THE SEVENTH YEAR OF THE REIGN OF HER MAJESTY

THE SEVENTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

AND THE FIRST SESSION OF THE SECOND PARLIAMENT OF ONTARIO

THE SEVENTH YEAR OF THE REIGN OF HER MAJESTY



THE HONOURABLE LORDS OF THE COUNCIL

HUNTER, ROSE AND COMPANY,  
PRINTERS, TORONTO.

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ALSO PRINTED BY





ANNO TRICESIMO-SEPTIMO

## VICTORIÆ REGINÆ.

### CAP. I.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government, for the year one thousand eight hundred and seventy-four, and to provide for certain sums expended for the Public Service in the year one thousand eight hundred and seventy-three.

[Assented to 24th March, 1874.]

MOST GRACIOUS SOVEREIGN :—

**W**HEREAS it appears by Messages from His Excellency the Honourable John Crawford, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in Schedules "A" and "B" in this Act, are required to defray certain expenses of the Civil Government of this Province, and of the Public Service thereof, and for other purposes, for the year one thousand eight hundred and seventy-four, and to make good certain expenditures made in the year one thousand eight hundred and seventy-three : May it therefore please your Majesty, that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied, a sum (not exceeding in the whole) of two millions six hundred and twelve thousand two hundred and ninety-six dollars and forty-four cents, for defraying the several charges and expenses of the Civil Government of this Province, for the year one thousand eight hundred and seventy-four, as set forth in Schedule "A" to this Act.

Preamble.

\$2,612,296.44  
granted out of  
Con. Revenue  
Fund for  
certain pur-  
poses.

\$59,982.17.  
charged to  
Con. Rev.  
Fund, to make  
good certain  
payments.

2. The sum of fifty-nine thousand nine hundred and eighty-two dollars and seventeen cents shall be charged to the Consolidated Revenue Fund of this Province, to make good payments and expenditures by the Treasurer, on account of the Public Service, as set forth in Schedule "B" to this Act.

Accounting to  
the Legisla-  
tive Assembly

3. Accounts in detail of all moneys received on account of this Province, and of all expenditures under this Act shall be laid before the Legislative Assembly at its next sitting.

Moneys unex-  
pended on  
31st December.

4. Any part of the money appropriated by this Act, which shall be unexpended on the thirty-first day of December, one thousand eight hundred and seventy-four, shall not be expended thereafter.

Accounting to  
Her Majesty.

5. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

## SCHEDULE "A."

SUMS granted to Her Majesty by this Act for the year 1874, and the purposes for which they are granted.

*To Salaries and Contingencies of the several Departments at Toronto :—*

Government House.....	\$6,510 00
Lieutenant-Governor's Office .....	2,500 00
Executive Council and Attorney-General's Depart- ment .....	12,730 00
Treasury Department .....	17,250 00
Secretary and Registrar's Office.....	23,095 00
Department of Public Works.....	18,102 00
do. Agriculture .....	1,000 00
do Immigration .....	1,400 00
Public Institutions .....	5,450 00
Crown Lands' Department.....	50,130 00
Miscellaneous.....	14,290 00
Total Civil Government.....	\$152,457 00

## LEGISLATION.

Total for Salaries, Contingencies and other expenses, as per details given in Estimates for 1874.....	115,050 00
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## ADMINISTRATION OF JUSTICE.

Court of Chancery.....	20,930 00
Court of Queen's Bench .....	8,770 00
Court of Common Pleas .....	5,110 00
Court of Error and Appeal .....	10,050 00

Criminal



Criminal Justice .....	\$121,000 00
Miscellaneous Justice .....	40,800 00

Total Administration of Justice.....	\$206,660 00
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## EDUCATION.

Public and Separate Schools .....	240,000 00
Inspection of Public and Separate Schools .....	27,350 00
Schools in New and Poor Townships... ..	6,000 00
Collegiate Institutes and High Schools.....	82,000 00
Inspection of do. ....	7,180 00
County Examination of Teachers .....	1,935 00
County Teachers' Institutes .....	2,800 00
Superannuated Teachers .....	23,100 00
Normal and Model Schools, salaries.....	16,900 00
do Contingencies and repairs .....	7,065 00
Educational Museum Library.....	3,900 00
Journal of Education .....	2,600 00
Maps, Apparatus and Library Books.....	50,000 00
Educational Depository, salaries.....	4,855 00
do. Contingencies .....	4,335 00
Education Office, salaries.....	14,040 00
do. Contingencies and repairs .....	5,240 00
Council of Public Instruction.....	4,000 00

Total Education. ....	503,300 00
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## PUBLIC INSTITUTIONS—MAINTENANCE.

Asylum for the Insane, Toronto.....	81,748 00
do. London, and Idiot Asylum, Branch of same .....	80,342 00
Asylum for the Insane, Kingston .....	52,195 00
Provincial Reformatory, Penetanguishene .....	21,794 00
Central Prison.....	41,690 00
Institution for the Deaf and Dumb, Belleville.....	31,234 00
do. Blind, Brantford .....	20,572 00
School of Agriculture .....	22,500 00
do. Practical Science .....	5,800 00

Total Public Institutions—Maintenance	357,875 00
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## IMMIGRATION.

Agencies in Europe, including printing and expenses	32,164 00
Agencies in Ontario and Quebec, including provisions for immigrants, their care and charge.....	20,000 00
Carriage of Immigrants in Canada.....	10,000 00
Assistance (by bonus) to Immigrants, to arrive in 1874	45,000 00
do. arrivals in 1873, payable in 1874 .....	25,000 00
Incidentals ....	1,300 00

Total Immigration . ....	133,464 00
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## AGRICULTURE

## AGRICULTURE, ARTS, LITERARY AND SCIENTIFIC INSTITUTIONS.

Electoral Divison Societies, 73 at \$700.....	\$51,100 00
do. 1 at 550 .....	550 00
do. 7 at 350 .....	2,450 00
Fruit Growers' Association.....	1,000 00
Entomological Society.....	750 00
Agricultural Association.....	10,000 00
For sundry services in connection with agriculture and arts, such as investigations of disease in ani- mals and crops, and of ravages of insects; and for agricultural instruction, dairy products, and other charges not otherwise provided for .....	2,000 00
Mechanics' Institutes.....	20,000 00
Art Union.....	500 00
Aid to Canadian Institute, Toronto.....	750 00
Aid to Institut Canadien, Ottawa .....	300 00
do. Athenæum, Ottawa.....	300 00
To promote scientific research.....	500 00

Total Agriculture, Arts, &amp;c.....

\$90,200 00

## HOSPITALS AND CHARITIES.

General Hospital, Toronto.....	11,200 00
House of Industry, do. ....	2,900 00
Protestant Orphans' Home and Female Aid Society, Toronto .....	640 00
Roman Catholic Orphan Asylum, Toronto.....	640 00
Lying-in-Hospital do. ....	480 00
Magdalene Asylum do. ....	480 00
House of Providence do. ....	1,000 00
Girls' Home and Public Nursery do. ....	320 00
Boys' Home do. ....	320 00
Eye and Ear Infirmary do. ....	1,000 00
Newsboys' Lodgings do. ....	240 00
General Hospital, Kingston.....	4,800 00
House of Industry and Refuge for Indigent Sick, Kingston .....	2,200 00
Orphans' Home, Kingston.....	640 00
Hotel Dieu do. ....	1,000 00
General Hospital, London.....	2,400 00
Roman Catholic Orphan Asylum, London.....	640 00
City Hospital, Hamilton.....	4,800 00
Roman Catholic Orphan Asylum, Hamilton.....	640 00
Orphan Asylum and Ladies' Benevolent Society, Hamilton.....	640 00
House of Refuge, Hamilton.....	720 00
Protestant Hospital, Ottawa.....	1,200 00
Roman Catholic do. do. ....	1,200 00
St. Patrick's Orphan Asylum, Ottawa.....	480 00
Protestant do. do. ....	480 00
St. Joseph do. do. ....	480 00
Magdalen Asylum do. ....	480 00
General Hospital, St. Catharines.....	1,000 00

Total Hospitals and Charities.....

43,020 00

MISCELLANEOUS



## MISCELLANEOUS EXPENDITURE.

To cover expenses of collection of revenue for law stamps and licenses.....	\$2,500 00	
To cover expenses in connection with municipalities and other funds.....	500 00	
To provide for expenses attending the settlement of the Municipal Loan Fund .....	4,000 00	
To provide for expenses <i>re</i> Ontario and Quebec settlement.....	4,000 00	
To provide for expenses <i>re</i> Northern and Western boundaries .....	4,000 00	
Inspector of Railways.....	500 00	
Ontario Rifle Association.....	600 00	
Orillia Asylum Caretaker .....	200 00	
Insurance on Public Buildings.....	1,500 00	
Refund fees on Orange Bills for 1873.....	120 00	
John Montgomery, compensation for claims against Province of Upper Canada.....	3,000 00	
Consolidation of Statute Laws relating to Ontario...	5,000 00	
Total Miscellaneous.....		\$25,920 00

## UNFORESEEN AND UNPROVIDED.

To meet unforeseen and unprovided expenses .....	50,000 00
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PUBLIC BUILDINGS.—*Capital Account.*

Asylum for the Insane, Toronto.....	3,200 00	
Do. London.....	31,181 65	
Inebriate Asylum, Hamilton.....	68,886 87	
Provincial Reformatory, Penetanguishene.....	8,870 00	
Central Prison.....	63,595 70	
Deaf and Dumb Institute.....	8,634 62	
Blind Institute.....	8,581 44	
School of Agriculture.....	14,249 02	
Do. Practical Science.....	200 00	
Normal School and Education Office.....	12,000 00	
Normal School, Ottawa.....	94,768 60	
Osgoode Hall.....	3,500 00	
Government House.....	2,000 00	
Parliament and Departmental Buildings.....	5,999 25	
Court House and Gaol, Sault Ste. Marie.....	1,500 00	
Registry Office, do. ....	1,200 00	
Lock-up and Gaol, Thunder Bay.....	6,000 00	
Do. Nipissing District.....	2,000 00	
Registry Office, Parry Sound do. ....	100 00	
Do. and Lock-up, New District .....	3,000 00	
Agricultural Farm, Mimico .....	2,146 50	
Orillia Asylum.....	200 00	
Total Public Buildings .....		341,813 65

PUBLIC

## PUBLIC WORKS.

Washago channel to wharf.....	\$1,000 00	
Sydenham river improvements.....	644 74	
Muskoka Falls, rock excavation, dam and sluices.....	4,565 36	
Lock between Mary's and Fairy lakes.....	18,980 69	
Ryerson road works.....	511 34	
Settlers' Homestead Fund.....	8,279 73	
Trent River, bridge.....	2,000 00	
Washago and Gravenhurst road.....	1,200 00	
Balsam river works, land purchase and dredging.....	1,200 00	
Kaministiquia River, to complete dredging bar.....	11,399 96	
Otonabee River, cribs and booms below Young's lock..	2,000 00	
Dams and slides, Gull and Burnt river waters.....	17,500 00	
Swing and fixed bridges, and approaches, at Port Carling.....	3,000 00	
Timber slide, High Falls, Muskoka River.....	4,000 00	
Wye river, piers and dredging of bar.....	8,000 00	
Scugog river, dredging, &c.....	4,000 00	
Surveys, inspections, arbitrations and charges, not otherwise provided for.....	5,000 00	
Maintenance of locks, dams, and swing bridges.....	2,000 00	
Lock masters' and bridge tenders' salaries.....	1,200 00	
Drainage works.....	80,000 00	
Total Public Works.....		\$176,481 82

## COLONIZATION ROADS.

Construction and repairs.....	100,000 00
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## CHARGES ON CROWN LANDS.

Expenditure on account, Crown Lands.....	127,467 00
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## REFUND ACCOUNT.

Education .....	750 00	
Crown Lands.....	20,000 00	
Immigration.....	25,000 00	
Municipalities Fund.....	120,151 42	
Land Improvement Fund.....	22,686 55	
Total Refund Account.....		188,587 97
Total.....		\$2,612,296 44

## SCHEDULE "B."

Sums granted to Her Majesty by this Act to make good certain Payments and Expenditures for the year 1873, and a statement of the purposes for which they were granted.

SERVICES



## SERVICES OF 1873.

Balance to be provided for in 1874, to complete the service of 1873, over-expended,  
as per Statement No. 32 in the Public Accounts of 1873 :—

## CIVIL GOVERNMENT.

Treasury Department, contingencies and repairs.....	\$1,305 44	
Secretary and Registrar's office.....	915 46	
Public Works Department.....	84 40	
Inspector of Prisons.....	313 03	
Crown Lands Department—salaries.....	283 34	
Do. contingencies .....	6,835 92	
Official Gazette.....	603 34	
Queen's Printer—contingencies.....	137 77	
	<hr/>	\$10,478 70

## LEGISLATION.

Sessional writers, messengers and pages .....	1,375 95	
Printing, &c., Statutes.....	4,707 37	
Indemnity to Members.....	1,546 06	
Contingencies and repairs.....	4,867 61	
	<hr/>	12,496 99

## ADMINISTRATION OF JUSTICE.

Court of Chancery—salaries.....	83 35	
Law Reform Commission.....	114 58	
Miscellaneous Justice.....	1,955 49	
	<hr/>	2,153 42

## PUBLIC BUILDINGS AND WORKS.

School of Industrial Science.....	1,103 93	
Normal and Model Schools.....	846 63	
Court House and Gaol, Sault Ste. Marie.....	13 96	
Government House.....	1,517 57	
Departmental Buildings.....	5,204 68	
Otonabee River works.....	17 25	
	<hr/>	8,704 02

## ASYLUMS AND PUBLIC INSTITUTIONS—MAINTENANCE.

Toronto Lunatic Asylum.....	101 95	
Central Prison....	598 33	
Agricultural College.....	1,707 29	
	<hr/>	2,407 57

## EDUCATION.

Office contingencies.....	528 62	
Refunds.....	442 81	
	<hr/>	971 43
Immigration .....		5,194 22

## CROWN LANDS EXPENDITURE.

Forest ranging, and inspection of timber lands.....	681 77	
Inspectors valuing lands.....	1,699 99	
	<hr/>	2,381 76

## MISCELLANEOUS.

## MISCELLANEOUS.

Unprovided items..... \$4,743 03

The following unpaid accounts to complete the service of 1873 :—

*Civil Government.*

East wing repairs.....	\$509 64	
Crown Lands Department repairs.....	198 43	
		708 07

*Legislation.*

Repairs, &c .....		690 02
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*Public Works and Buildings.*

Parliament Buildings, capital account.....	2,733 25	
Registry Office, Parry Sound do. ....	62 12	
Government House.....	943 55	
Deaf and Dumb Institute .....	300 00	
Agricultural Collage, Guelph.....	809 12	
Lunatic Asylum, London.....	762 40	
Central Prison.....	3,442 50	
		9,052 94
Total.....		\$59,982 17

## CAP. II.

## An Act respecting the Executive Council.

[Assented to 24th March, 1874.]

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Offices of Commissioner of Agriculture and Commissioner of Public Works need not be combined.

**1.** It shall not be necessary that the office of Commissioner of Agriculture and the office of Commissioner of Public Works shall be held by the same person.

Who may be Commissioner of Agriculture.

**2.** The said office of Commissioner of Agriculture may be held by a member of the Executive Council holding no other office, or may be held in connection with any other office held by a member of the Executive Council.

Duties of members of Executive Council may be assigned to other members.

**3.** Any of the powers and duties which have been heretofore, or shall be hereafter, assigned by law to any of the Officers now constituting, or who may hereafter constitute, the Executive Council may, from time to time, by Order in Council, be assigned and transferred, either for a limited period or otherwise, to any other of the said Officers by name or otherwise.

CAP.



## CAP. III.

## An Act to extend the Elective Franchise.

[Assented to 24th March, 1874.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. In addition to the persons hitherto entitled to vote at elections to the Legislative Assembly or Municipal Councils, the right of voting shall hereafter belong to every male person residing at the time of the election in the local municipality in which he tenders his vote; having resided therein continuously since the completion of the last revised assessment roll of the municipality; and possessing the qualifications and performing the conditions required by the laws heretofore in force, and not subject by the said laws to any disqualification, except as to property :

Who may vote at elections to the Legislative Assembly or Municipal Councils.

Provided, that he derives an income from some trade, calling, office or profession of not less than four hundred dollars annually, and is assessed for such income in and by the last revised assessment roll of the municipality.

Income franchise.

2. Where any person has an income derived as aforesaid which is entitled by law to exemption from assessment, he shall not be bound to avail himself of such right to exemption, and, if he think fit, he may require his name to be entered in the assessment roll for such income, and the same shall in such case be liable to taxation like other assessable income or property.

The case of income exempted from assessment.

3. The clerk of the municipality, when making the alphabetical list of voters required by law, shall include the names of all male persons assessed for income of the value aforesaid.

Voters' list.

4. The oath to be administered to persons entitled to vote under this Act shall be as follows :

Oath to voters.

"You swear (or solemnly affirm) that you are the person named (or purporting to be named by the name of ) on the list of voters now shown to you (showing the list to voter); that at the time of the last final revision of the assessment roll on which this list is based for this township (city, town or village, as the case may be) you were, and thenceforward have been continuously, and still are a resident of this township, (city, town or village, as the case may be); that at the time of the last revision of the assessment roll, upon which the voters' list used on this election is based, and for twelve months previously, you were in receipt of an income from your trade (office, calling, or profession as the case may be),

"of

"of a sum of not less than four hundred dollars; that you are  
 "a subject of Her Majesty by birth (*or naturalization, as the*  
*"case may be*); that you are of the full age of twenty-one  
 "years; that you have not before voted at this election, either  
 "at this or any other polling place; and that you have not  
 "received anything, nor has anything been promised you, either  
 "directly or indirectly, either to induce you to vote at this elec-  
 "tion, or for loss of time, travelling expenses, hire of team, or  
 "any other service connected therewith; and that you have not,  
 "directly or indirectly, paid or promised anything to any person,  
 "either to induce him to vote or to refrain from voting: So  
 "help you God."

**Penalties.**

**5.** The penalties imposed on all municipal officers under the Assessment Acts, for omitting or refusing to comply with the law, shall be imposed on and recoverable in like manner from all such officers as may refuse or neglect to observe the terms of this Act.

**Construction  
of Act.**

**6.** This Act shall be construed as one with the Election Law of 1868, the Assessment Act of 1869, and the Act respecting Municipal Institutions in the Province of Ontario, and with any other enactments relating to the subject matter of this Act.

**When this Act  
in force.**

**7.** This Act shall take effect on and after the first day of January, in the year one thousand eight hundred and seventy-five.

## CAP. IV.

### An Act respecting Voters' Lists.

[Assented to 24th March, 1874.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Assessor to  
make enquiries  
before assess-  
ing persons  
claiming to be  
assessed.**

**1.** To prevent the creation of false votes, where any person claims to be assessed, or claims that any other person should be assessed, as owner or occupant of any parcel of land, or as possessing the income which may entitle him to vote in the municipality at an election for the Legislative Assembly, and the assessor has reason to suspect that the person so claiming, or for whom the claim is made, has not a just right to be so assessed, it shall be the duty of the assessor to make reasonable enquiries before assessing such person.

**Clerk to state  
in list of voters  
persons quali-  
fied by income.**

**2.** In the alphabetical list or lists of persons appearing by the assessment roll to be entitled to vote in a municipality or in each

each of its sub-divisions (as the case may be), being the list or lists required to be prepared under the seventh section of the Election Act of 1868, if the qualification is in respect of income, the clerk shall, in the proper list, state that fact, and the place at which the voter resides in the municipality.

3. Immediately after the clerk has made the said alphabetical list, and at latest within thirty days after the final revision and correction of the assessment roll, the clerk shall cause at least two hundred copies of said list to be printed; and shall cause one of such printed copies to be posted up, and to be kept posted up in some conspicuous place in his own office; and shall forthwith also deliver, or transmit by registered letter, two of such copies to each of the following persons, that is to say:

Copies of list to be printed.

Copies to be posted in clerk's office, and copies to be sent to certain persons.

Every member of the municipal council of the municipality except the reeve;

Every teacher of a Public School in the municipality;

Every post-master in the municipality;

The treasurer thereof;

The sheriff of the county;

The county judge, or each of the county judges in case there shall be more than one county judge in the electoral division;

The clerk of the peace;

2. And the clerk of the municipality shall forthwith also deliver or transmit, by registered letter, ten of such copies to each of the following persons, that is to say:

Clerk of the municipality to transmit copies to certain persons.

The Member of the House of Commons, and the Member of the Legislative Assembly for the Electoral Division, respectively, in which the municipality lies;

The unsuccessful candidate, or each of the candidates (as the case may be), for whom votes were given at the then last election of a member for the House of Commons, and for the Legislative Assembly, respectively;

The reeve of the municipality;

3. Upon each of the copies so sent to each person shall be a printed or written certificate, over the name of the clerk, stating that such list is a correct list of all persons appearing by the assessment rolls of the municipality entitled to vote at elections for members of the Legislative Assembly; and also stating the date upon which a copy of such list was first posted in the clerk's office; and further calling upon all electors to examine the said list, and, if any omissions or other errors are perceived therein, to take immediate proceedings to have the said error corrected according to law;

On each copy the clerk to certify as to certain matters

4. The sheriff shall immediately upon the receipt of his copies cause one of them to be posted up in a conspicuous place in the court house; the clerk of the peace, upon receipt of his copies, shall cause one of them to be posted in a conspicuous place in his office; every public teacher shall in like manner post up one of his copies on the door of his school-house; and every post-master shall post up one of his copies in his post-office.

Sheriff, clerk of the peace, teacher and post-master to post up a copy.



Clerk to publish notice of first posting up by him.

4. The Clerk shall also forthwith cause to be inserted in some newspaper, published in the Municipality, or in case no newspaper is published in the Municipality, then in some newspaper published in the Municipality next thereto, or in the County Town, a notice, signed by him, stating the date of the first posting up of the said list in his office. One insertion of such notice shall be sufficient.

Revision of list.

5. The said list of voters shall be subject to revision by the county judge, at the instance of any voter or person entitled to be a voter, on the ground of names of voters being omitted from the list, or being wrongly stated therein, or of names of persons being inserted on the list who are not entitled to vote; and upon such revision, the assessment roll shall not be conclusive evidence in regard to any particular, whether the matter on which the right to vote depends had or had not been brought before the Court of Revision, or had or had not been determined by that court; and the decision of the judge under this Act, in regard to the right of any person to vote, shall be final so far as regards such person.

Proceedings on person complaining of error in the list.

6. A person complaining of any error in the said list shall, within thirty days after the clerk has posted the said list in his office, and transmitted or delivered the said copies, give to the clerk of the municipality a written notice of his complaint and intention to apply to the judge in respect thereof; and the proceedings thereafter by the clerk, judge, and parties respectively, and the respective powers and duties of the judge, clerk, and other persons, shall be the same, or as nearly as may be the same, as in the case of an appeal from the Court of Revision; but no deposit shall be required to be made before any such complaint is heard or disposed of.

List confirmed if no complaint within 30 days from first posting.

7. In case no complaint respecting such list is received by the clerk of the municipality within thirty days after the first posting up of the same, the clerk shall apply to the judge to certify one of the copies received by the judge as being the revised list of voters for the municipality; and a duplicate of the list shall be retained by the judge; and the certified copy shall be delivered to the clerk of the municipality, to be kept by him among the records of his office.

Compelling attendance of witnesses on revision of list.

8. Any party may obtain from the County Court a subpoena requiring the attendance at the court for hearing complaints as aforesaid, at the time mentioned in such subpoena, of a witness residing or served with such subpoena, in any part of this Province; and the witness shall obey such subpoena, provided the allowance for his expenses according to the scale allowed in Division Courts is tendered to him at the time of service; and any person complaining, or any person in respect of the insertion or omission of whose name a complaint is made, shall, if resident within the municipality, upon being served with

with a subpoena, obey the same without being tendered or paid any allowance for his expenses. If any person, whose right to be a voter is the subject of inquiry, do not attend in obedience to such subpoena, the judge may, if he think fit, on the ground of the non-attendance of such person, strike his name off the list of voters, or refuse to place his name on the list of voters, as the case may require, or impose a reasonable fine on such person according to his discretion.

Penalty on non-attendance of the person whose right is in question.

9. Immediately after the list has been finally revised and corrected as aforesaid, the judge shall make in writing, and sign, a statement, in duplicate, setting forth the changes, if any, which he has made in the list; and shall in open court certify a corrected copy of the list, and deliver a correct copy to the clerk of the municipality; and the latter shall forthwith transmit to the clerk of the peace a copy of the said corrected list, accompanied with the proper oath or affirmation of the correctness thereof, as directed by the said Act. And no person shall be admitted to vote unless his name appears on the last list of voters made, certified, and delivered to the clerk of the peace at least one month before the date of the writ to hold the election; and no question of qualification shall be raised at any such election, except to ascertain whether the party tendering his vote is the same party intended to be designated in the alphabetical list as aforesaid.

After final revision, judge to make statement of alterations made and certify a correct copy of list.

Who may vote.

10. In case of errors being found in the said voters' list on the said revision thereof, whether such errors are in the omission of names, the inaccurate entry of names, or the entry of names of persons not entitled to vote, if it appear to the judge that the assessor was blamable for any of the said errors, the judge shall order the assessor, either alone or jointly with any other person, to pay all costs occasioned by the same; and in case of errors for which the clerk was to blame, the clerk, either alone or jointly with any other person, shall be charged with the costs; and in case of errors of the Court of Revision, the municipality shall, either alone or jointly with any person, pay the costs, subject to any claim which the municipality may justly have against the guilty parties; or the judge may order the assessor, clerk or municipality in any such case, to pay the costs, if any party fail to recover the same from any other party named and ordered to pay the same; and in all cases not herein provided for, the costs shall be in the discretion of the judge.

Costs occasioned by errors may be ordered to be paid by guilty parties.

11. If a person not assessed, or not sufficiently assessed, shall be found entitled to vote, the municipality shall be entitled to recover taxes from him, and to enforce payment thereof by the same means and in the same manner as if he had been assessed on the roll for the amount found by the judge; and the judge shall make an order, setting forth the names of the persons so liable, and the sum for which each person should have been assessed,

Persons whose names omitted from roll and inserted on revision, liable to pay taxes. Judge's order.

assessed, and the land or other property in respect of which the liability exists; and such order shall be transmitted to the clerk of the municipality, and shall have the same effect as if the said particulars had been inserted on the roll.

Penalty on the clerk for errors or omissions.

**12.** For every name erroneously inserted in or omitted from any list of voters, or duplicate required under this Act, the clerk offending shall pay and forfeit to any person who may sue therefor the sum of one dollar, and shall also pay to any person applying to the judge to have any such error corrected, the costs incurred by him in respect thereof; and the payment of the penalty imposed by this section shall not relieve the clerk from any additional penalty attaching to any wilful and wrongful act.

Penalty on assessor for wrongfully assessing or omitting.

**13.** Any Assessor who wilfully and improperly inserts any name in the assessment roll, or assesses any person at too high an amount, with intent in either case to give to any person not entitled thereto an apparent right of voting at any election, or who wilfully inserts any fictitious name in the assessment roll, or who wilfully and improperly omits any name from the assessment roll, or assesses any person at too low an amount, with intent in either case to deprive any person of his right to vote, shall, upon conviction thereof before a court of competent jurisdiction, be liable to a fine not exceeding two hundred dollars, and to imprisonment until the fine be paid, or to imprisonment in the common gaol of the county or city, for a period not exceeding six months, or to both such fine or imprisonment, in the discretion of the court.

Colourable transfer of property in order to confer vote.

**14.** No person shall make, execute, accept or become a party to any lease, deed, or other instrument, or become a party to any verbal arrangement, whereby a colourable interest in any land, house or tenement is conferred, in order to qualify any person to vote at an election; and any person violating the provisions of this section, besides being liable to any other penalty prescribed in that behalf, shall pay and forfeit the sum of one hundred dollars with costs of suit, to any person suing therefor in any court of competent jurisdiction; and any person who induces, or attempts to induce another to commit an offence under this section, shall incur a like penalty.

Act to apply to this year's list.

**15.** This Act shall apply to the assessments and voters' lists of the present year as well as afterwards.



## CAP. V.

## An Act to provide for voting by Ballot at Elections to the Legislative Assembly.

[Assented to 24th March, 1874]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

## PROCEEDINGS PRELIMINARY TO THE POLL.

1. In case of a poll at an election of members to serve in the Legislative Assembly, the votes shall be given by ballot. Votes to be by ballot.

2. The returning officer shall, on receiving the writ of election, procure or cause to be procured, as many boxes (hereinafter called ballot boxes) as there are polling subdivisions within the electoral division; Ballot boxes to be furnished.

2. The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot paper can be introduced therein, and cannot be withdrawn therefrom unless the box be unlocked; How made.

3. When it becomes necessary for the purposes of an election to use the ballot boxes, it shall be the duty of the returning officer two days at least before the polling day to deliver one of the ballot boxes to every deputy returning officer appointed for the purposes of the election; Delivery of to deputy Officers.

4. Within one week after the close of the election, each deputy returning officer shall deliver the ballot box used in his polling sub-division to the clerk of the municipality within which such polling sub-division is situate; and the ballot boxes delivered to such clerk shall be preserved by him for use at future elections for the electoral division; Delivery to Clerk for future elections.

5. If the returning officer fail to furnish ballot boxes in the manner herein provided, he shall incur a penalty of one hundred dollars, in respect of every ballot box which he has failed to furnish in the manner prescribed; Penalty on failure to furnish boxes.

6. It shall be the duty of the deputy returning officer in every polling sub-division not supplied with a ballot box within the time prescribed, forthwith to procure one to be made. Deputy officers may procure boxes.

3. Where a poll has been granted, the returning officer shall forthwith cause to be printed such a number of ballot papers, as shall be sufficient for the purposes of the election; and the same shall be bound or stitched in a book of convenient size, and in such manner that the counterfoils shall continue bound or stitched when the ballot papers are detached therefrom; Ballot papers to be printed.

2. Every ballot paper shall contain the names of the candidates, arranged alphabetically in the order of their surnames; Contents and form.

and if there be two or more candidates with the same surname, of their other names, and the ballot papers may be according to the form or schedule A. to this Act;

3. The number and names of each candidate shall if practicable be distinctly printed in ink of different colours, if on the nomination day the candidates agree as to the colours; and the returning officer shall give each candidate a certificate setting forth the selection of the colour made by him;

4. Every ballot paper shall have a counterfoil attached thereto; every ballot paper and counterfoil shall specify the name of the electoral division for which it is to be used; and every ballot paper shall have a number printed on the back thereof, and the same number shall be printed on the face of the counterfoil attached thereto: Provided that the same number shall not be printed on more than one ballot paper to be used for the electoral division;

Tendered  
ballot papers.

5. In addition to the ballot papers hereinbefore referred to, the returning officer, shall cause to be printed such a number of other ballot papers (hereinafter called tendered ballot papers,) to be used in the manner hereinafter directed, as shall be sufficient for the purposes of the election;

Contents and  
form.

6. Such tendered ballot papers shall be in the same form as the ballot papers hereinbefore referred to, but shall be of a colour differing from the same; and upon the back of the tendered ballot papers, and upon the face of the counterfoils attached thereto, shall be printed the words, "Tendered Ballot Paper;"

7. The tendered ballot papers and the counterfoils attached thereto shall be numbered in a manner similar to that in which the other ballot papers and counterfoils are hereinbefore directed to be numbered and shall be bound or stitched in like manner;

Returning  
officer to furnish  
Deputies with  
ballot  
books, &c.

8. The returning officer shall before the opening of the poll deliver or cause to be delivered to every deputy returning officer the books containing the ballot papers and tendered ballot papers, with their respective counterfoils attached, which have been prepared for use in the polling sub-division for which such deputy returning officer is appointed to act: and shall also furnish to the deputy returning officer, or see that he is furnished with, the necessary materials for voters to mark the ballot papers, and such materials shall be kept at the polling place by the deputy returning officer for the convenient use of voters.

Returning officer to furnish  
Deputies with  
directions for  
voters' guidance.

4. The returning officer shall before the opening of the poll deliver or cause to be delivered to every deputy returning officer such a number of printed directions for the guidance of voters in voting as he may deem sufficient, and shall so deliver or cause to be so delivered at least ten copies of such printed directions; such directions shall be printed in conspicuous characters, and may be according to the form in schedule B. to this Act;

Deputies to  
placard the  
directions.

2. Every deputy returning officer shall before the opening of the poll, or immediately after he has received such printed directions

tions

tions from the returning officer, if he did not receive the same before the opening of the poll, cause such printed directions to be placarded outside the polling place for which he is appointed to act, and also in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling.

5. Every polling place shall be furnished with compartments in which the voters can mark their votes screened from observation; and it shall be the duty of the returning officer and deputy returning officer respectively, to see that a sufficient number of such compartments are provided at each polling place.

Compartments wherein voters may mark votes.

6. The deputy returning officer shall, upon receiving the copy or duplicate of the voters' list for the polling sub-division for which he is to act, prefix a number to every name in such copy or duplicate, and such numbers so prefixed need not be consecutive numbers, but may be chosen arbitrarily by the deputy returning officer; Provided that the same number shall not be prefixed to more than one name; and the deputy returning officer shall take all necessary precautions for concealing and shall conceal from all persons (except the poll clerk) the numbers so prefixed by him to the names on the copy or duplicate of the voters' list.

Deputies to prefix numbers to names on voters lists, and conceal the numbers.

#### THE POLL.

7. The deputy returning officer shall, immediately before the commencement of the poll, shew the ballot box to such persons as are present in the polling place, so that they may see that it is empty: and he shall then lock the box, and place his seal upon it in such manner as to prevent its being opened without breaking such seal; and he shall then place the box in his view for the receipt of ballot papers, and shall keep it so locked and sealed.

Deputy to show box empty, lock and seal it.

8. When any person claiming to be entitled to vote presents himself for the purpose of voting, the deputy returning officer shall proceed as follows:—

Conduct of Deputy on der of vote.

1. He shall ascertain that the name of such person is entered, or purports to be entered, upon the voters' list for the sub-division for which such deputy returning officer is appointed to act;

Name.

2. He shall record or cause to be recorded in the proper columns of the voters' list, the residence and the legal addition of such person;

Recording.

3. If such person shall take the oath or affirmation required to be taken by voters in the manner directed by the Election Law of 1868, the deputy returning officer shall enter, or cause to be entered, opposite such person's name in the proper column of the said voters' list, the word "sworn," or "affirmed," according to the fact;

O: th.

4. Where the vote is objected to by any candidate or his agent, the deputy returning officer shall enter the objection,

Objection.

or



or cause the same to be entered, in the voters' list, by writing opposite the name of such person, in the proper column, the words "objected to," stating at the same time by which candidate or on behalf of which candidate the objection has been made, by adding after the words "objected to" the name only of such candidate ;

Refusal to take the oath.

5. Where such person as aforesaid has been required to take the oath or affirmation, and refuses to take the same, the deputy returning officer shall enter or cause to be entered opposite the name of such person in the proper column of the voters' list the words "refused to be sworn," or "refused to affirm," according to the fact ; and the vote of such person shall not be taken or received ; and if taken and received it shall be null and void ; [and the deputy returning officer shall for having taken and received such vote or caused the same to be taken and received incur a penalty of two hundred dollars ;

Deputy to sign name on ballot paper and counterfoil.

6. Where the proper entries respecting the person so claiming to vote have been made in the voters' list in the manner prescribed, the deputy returning officer shall sign his name or initials upon a ballot paper and upon the counterfoil attached thereto ;

Delivery of paper to voter.

7. The ballot paper shall be detached from the counterfoil and shall be delivered to such person ;

Counterfoil, conduct as to.

8. The counterfoil shall be retained in the book by the deputy-returning officer, who shall write or otherwise mark upon such counterfoil the number prefixed to the name of such person upon the voters' list ; and opposite the name of such person in the voters' list, a mark shall be placed to denote that he has received a ballot paper, but not showing the particular ballot paper which he has received ;

Deputy to conceal number on the paper,

9. The deputy returning officer shall take all necessary precautions for concealing and shall conceal, as far as possible, from all persons present, (including the poll clerk and the agents of the candidates, as well as all other persons), the number printed upon the ballot paper delivered to any person, and upon the counterfoil which was attached thereto, and shall not permit the counterfoil to be inspected by any person ;

and explain mode of voting.

10. The deputy returning officer may, and upon request shall, either personally or through his clerk explain to the voter, as concisely as possible, the mode of voting, and the colours in which the numbers and names of candidates are printed on the ballot paper.

Voting, marking ballot paper.

9. Upon receiving from the deputy returning officer the ballot paper so prepared as aforesaid, the person receiving the same shall forthwith proceed into one of the compartments provided for the purpose, and shall then and therein mark his ballot paper in the manner mentioned in the directions contained in schedule B. to this Act, by placing a cross on the right hand side, opposite the name of the candidate for whom he desires to vote, thus x ; and he shall then fold the ballot paper across, so as to conceal

conceal the names of the candidates, add the mark upon the face of such paper, and so as to expose the initials of the deputy returning officer and the number on the back, and leaving the compartment, shall, without delay, and without shewing the front to any one or so displaying the ballot paper as to make known to any person the name of the candidate for or against whom he has marked his vote, deliver such ballot paper so folded to the deputy returning officer, who shall, without unfolding the same, or in any way disclosing the names of the candidates, or the mark made by such elector, verify his own initials, and the number on the back of the paper, and at once deposit the same in the ballot box in the presence of all persons entitled to be present and then present in the polling place ; and the voter shall forthwith leave the polling place.

**10.** While any voter is in any balloting compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or to be in any position from which he can observe the mode in which the voter marks his ballot paper. Exclusion from balloting compartment.

**11.** No person who has received a ballot paper or tendered ballot paper from the deputy returning officer shall take the same out of the polling place ; and any person having so received a ballot paper or tendered ballot paper, who shall leave the polling place without first delivering the same to the deputy returning officer in the manner prescribed, shall thereby forfeit his right to vote, and the deputy returning officer shall make an entry in the voters' list, in the column for remarks, to the effect that such person received a ballot paper, but took the same out of the polling place, or returned the same declining to vote, as the case may be, and in the latter case the deputy returning officer shall immediately write the word "declined" upon such ballot paper, and shall preserve it to be returned to the returning officer. Voter not to take his paper from polling place.

**12.** In case of an application by any person claiming to be entitled to vote, who is incapacitated by blindness or other physical cause from marking his ballot paper, or in case of any person claiming to be entitled to vote who makes a declaration that he is unable to read, the proceedings shall be as follows :— Proceedings in case of incapacity to mark paper.

1. The deputy returning officer shall, in the presence of the agents of the candidates, cause the vote of such person to be marked on a ballot paper in manner directed by such person, and shall cause the ballot paper to be placed in the ballot box ;

2. The deputy returning officer shall state or cause to be stated in the voters' list, by an entry opposite the name of such person in the proper column of the said voters' list, that the vote of such person is marked in pursuance of this section, and the reason why it is so marked ;

3. The declaration of inability to read may be in the form mentioned in schedule C to this Act, and shall be made by the person

person claiming to be entitled to vote, at the time of the polling, before the deputy returning officer, who shall attest the same as nearly as may be according to the form mentioned in Schedule D to this Act, and the said declaration shall be given to the deputy returning officer at the time of voting.

Proceedings in case an elector applies for a paper in case another has voted as such elector.

**13.** If a person representing himself to be a particular elector named on the voters' list applies for a ballot paper after another person has voted as such elector, the applicant shall, upon duly taking the oath authorized by law to be administered to voters at the time of polling, be entitled to mark a tendered ballot paper, but such tendered ballot paper shall be given to the deputy returning officer, and shall be placed by him in an envelope, which shall be securely sealed, and upon which he shall make an endorsement, indicating the election at which, and the polling sub-division in which, the same is used, and the deputy-returning officer shall then deposit such envelope in the ballot box, and such tendered ballot paper shall not be counted by the deputy returning officer; and the name and number on the voters' list of such person shall be endorsed upon the counterfoil by the deputy returning officer, and the deputy returning officer shall upon a list, to be called the "tendered votes list," enter the name and number on the voters' list of such person, or cause the same to be so entered.

Proceedings in case a person claims to vote and that his name has been improperly omitted from voters' list.

**14.** If any person whose name is not entered on the voters' list claims that his name ought to have been so entered, and that it has been improperly omitted therefrom, such person shall, upon duly taking an oath according to the form mentioned in Schedule E to this Act, or to the like effect, be entitled to mark a tendered ballot paper; and such tendered ballot paper, instead of being put into the ballot box, shall be given to the deputy returning officer, and shall be placed by him in an envelope and deposited in the ballot box, in the manner directed by the last preceding section with reference to ballot papers marked in pursuance thereof; and such tendered ballot paper shall not be counted by the deputy returning officer, and the name, place of residence and occupation or calling of such person shall be endorsed upon the counterfoil by the deputy returning officer, and the deputy returning officer shall enter or cause to be entered upon the tendered votes' list the name, place of residence, and occupation or calling of such person, and also a short description of the property in respect of which such person claims to have been entitled to have been entered on the voters' list, and whether it is as an owner, tenant or occupant of such property that such person claims as aforesaid.

Proceedings in case ballot paper cannot be used.

**15.** A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the deputy returning officer the ballot paper so inadvertently dealt with,



with, and proving the fact of the inadvertence to the satisfaction of the deputy returning officer, obtain another ballot paper in the place of the ballot paper so delivered up, and the deputy-returning officer shall immediately write the word "cancelled" upon such ballot paper, and preserve it to be returned to the returning officer.

**16.** During the time appointed for polling no person shall be entitled or permitted to be present in any polling place, other than the officers, candidates, clerks, or agents authorized to attend at such polling place, and such voters as are for the time being actually engaged in voting: Provided that it shall at all times be lawful for the deputy returning officer to have present, or to summon to his assistance in such polling place, any police constable or peace officer for the purpose of maintaining order, or of preserving the public peace, or preventing any breach thereof, or of removing any person or persons who may, in the opinion of such deputy returning officer, be obstructing the polling or wilfully violating any of the provisions of this Act.

Who may be present at polling place.

**17.** Immediately after the close of the poll in every polling place, the deputy returning officer shall, in the presence of the poll clerk, and of such of the candidates, or of their agents, as may then be present, open the ballot box, and proceed to count the votes as follows:

Counting the votes.

1. He shall examine the ballot papers, keeping them with their printed faces upwards, and shall take all proper precautions for preventing any person from seeing the numbers printed on the back of the paper;

2. Any ballot paper which has not on its back the name or initials of the deputy returning officer, or on which votes are given to more candidates than one, or on which anything except the number and initials or name of the deputy returning officer on the back is written or marked, by which the voter can be identified, shall be void, and shall not be counted;

3. The deputy returning officer shall endorse "rejected" on any ballot paper which he may reject as invalid, and shall endorse "rejection, objected to," if an objection be made to his decision;

4. The deputy returning officer shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him, which shall be made under the several heads:—

- (a) Name of electoral sub-division and of electoral division, and date of election;
- (b) Number of votes for each candidate;
- (c) Papers wanting signature or initials of deputy returning officer;
- (d) Papers rejected as voting for more candidates than entitled to;

(e)

(e) Papers rejected as having a writing or mark by which voter could be identified ;

(f) Papers registered as unmarked or void for uncertainty ;

5. Upon the completion of such written statement, it shall be forthwith signed by the deputy returning officer, the poll clerk, and such of the candidates, or their agents, as may be present, and desire to sign such statement ;

6. No more than two agents for any candidate shall be entitled to be present at the same time at the counting of the votes.

Deputy  
Returning  
Officers' duties  
after votes are  
counted.

18. Every deputy returning officer, at the completion of the counting of votes after the close of the poll, shall, in the presence of the agents of the candidates, make up into separate packets, sealed with his own seal, and the seals of such agents of the candidate as desire to fix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the election, the names of the deputy returning officer, and of the polling sub-division and electoral division ;

(a) The statement of votes given for each candidate and of the rejected ballot papers ;

(b) The used ballot papers which have been counted ;

(c) The rejected ballot papers ;

(d) The spoiled ballot papers ;

(e) The tendered ballot papers ;

(f) The counterfoils of the ballot papers ; the unused ballot papers ;

(g) The tendered votes list, and the voters' list ; the list of votes marked by the deputy returning officer, and a statement of the number of voters whose votes are so marked under the heads, "Physical incapacity," and "Unable to read," and the declarations of inability ;

(h) The commissions of the deputy returning officer and poll clerk, with their respective oaths of office, and the oaths in the forms N and M annexed thereto ;

Certain packets to be delivered to the Returning Officer.

2. The deputy returning officer shall forthwith deliver such packets personally to the returning officer ; and if he be unable to do so, owing to illness or other cause, he shall deliver such packets to a person chosen by him for the purpose of delivering the same to the returning officer ; and shall mention on the outside of the cover of each of the packets the name of the person to whom the same had been so delivered ; and shall take a proper receipt therefor ;

Statement to be made by Deputies on return of ballot papers, &c.

3. The packets shall be accompanied by a statement made by the deputy returning officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of (1) Counted ; (2) Rejected ; (3) Unused ; (4) Spoiled ; (5) Tendered ballot papers ; (6) Ballot papers given to voters

who

who afterwards returned the same, declining to vote; and (7) Ballot papers taken from the polling place; which statement shall give the number of papers under each head, and is in this Act referred to as the "Ballot Paper Account."

**19.** The returning officer, after he shall have received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall open such statements, and shall not open any other of the said sealed packets except that containing the commissions of the deputies and their clerks, and from the statements shall cast up the number for each candidate; and as soon as he has thus ascertained the result of the poll, shall forthwith declare to be elected the candidate having the highest number of votes: Provided, that where an equality of votes is found to exist between the candidates, and the addition of a vote would entitle any of such candidates to be declared elected, the returning officer may give such additional vote, but shall not in any other case be entitled to vote at an election for which he is returning officer.

Counting the votes by the Returning Officer.

Casting vote.

#### RETURN, PRESERVATION OF DOCUMENTS, &c.

**20.** The returning officer shall, within ten days after he has ascertained the result of the poll, make and transmit his return to the Clerk of the Crown in Chancery, and shall, at the same time, transmit to the Clerk of the Crown in Chancery, enclosed in a box or other covering, sealed with the seal of the returning officer, all the packets of ballot papers in his possession, together with the said reports, the ballot paper accounts, tendered votes lists, lists of votes marked by the deputy returning officer, statements relating thereto, declarations of inability to read or mark, packets of counterfoils, and voters' lists, with documents annexed thereto, sent by each deputy returning officer, endorsing on the packet a description of its contents, and the date of the election to which they relate, and also the name of the electoral division for which such election was held; and the said return and the said packet, so directed as aforesaid, to be transmitted to the Clerk of the Crown in Chancery, may be transmitted by express or through the post-office, the same being first duly registered.

Return Officer to transmit to Clerk of the Crown in Chancery his return, ballot papers, &c.

**21.** The returning officer shall also, before transmitting his return to the Clerk of the Crown in Chancery, upon application deliver to each of the candidates, or their agents, or if no application be made, shall, within the same period, transmit by mail to each candidate a duplicate of such return; which duplicate shall stand in lieu of an Indenture.

Officer to transmit duplicate of return to each candidate.

**22.** The Clerk of the Crown in Chancery shall retain, for the period of one year, all documents relating to an election forwarded

Clerk in Chancery to retain returns for one year.



warded to him, in pursuance of this Act, by a returning officer, and then, unless otherwise directed by a rule or order of one of Her Majesty's superior courts, or a judge thereof, shall cause them to be destroyed.

Non-inspec-  
tion of rejected  
ballot papers  
with the clerk.

**23.** No person shall be allowed to inspect any rejected ballot papers in the custody of the Clerk of the Crown in Chancery, except under the rule or order of one of Her Majesty's superior courts, or a judge thereof; such rule or order to be granted by such court or judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return: and any such order, for the inspection or production of ballot papers may be made, subject to such conditions as to persons, time, place, and mode of inspection or production, as the court or judge making the same, may think expedient, and shall be obeyed by the Clerk of the Crown in Chancery.

Non-inspec-  
tion of coun-  
terfoils and  
ballot papers  
with the clerk.

**24.** No person shall, except by order of a tribunal having cognizance of petitions complaining of undue returns or undue elections, open the sealed packets of counterfoils, after the same have been once sealed up; or be allowed to inspect any counted ballot papers in the custody of the Clerk of the Crown in Chancery; and such order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the tribunal making the order may think expedient: Provided that on making and carrying into effect any such order, care shall be taken that the mode in which any particular elector has voted shall not be discovered until he has been proved to have voted, and his vote has been declared by a competent tribunal to be invalid.

Inspection of  
certain docu-  
ments with the  
clerk.

**25.** All documents forwarded by a returning officer, in pursuance of this Act, to the Clerk of the Crown in Chancery, other than ballot papers and counterfoils, shall be open to public inspection, at such time and under such regulations as may be prescribed by the Clerk of the Crown in Chancery with the consent of the Speaker of the Legislative Assembly; and the Clerk of the Crown in Chancery, shall supply copies of or extracts from the said documents to any person demanding the same, on payment for the same at the rate of ten cents for each folio of one hundred words, and in computing the number of words in such copy or extract every figure shall be counted as a word.

Evidence as to  
documents,  
ballot papers,  
&c., in certain  
cases.

**26.** Where a rule or order is made for the production by the Clerk of the Crown in Chancery, of any document in his possession relating to any specified election, the production of the document by such clerk or his agent, in such manner as may be directed

directed by the rule or order, shall be conclusive evidence that such document relates to the specified election: and any endorsement appearing on any packet of ballot papers produced by such Clerk of the Crown in Chancery or his agent, shall be evidence of such papers being what they are stated to be by the endorsement: and the production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number, and having a number marked thereon in writing, shall be deemed *prima facie* evidence that the person who voted by such ballot paper was the person who, at the time of such election, had prefixed to his name in the voters' list used for the polling subdivision in which he voted at such election, the same number as the number written on such counterfoil: or in the case of tendered ballot papers marked in the manner hereinbefore provided, by persons not named in the voters' list, the production from the proper custody of any such ballot paper, purporting to have been used at any election, and of a counterfoil, marked with the same printed number, and having a name written thereon, (other than the name of the deputy returning officer), shall be deemed *prima facie* evidence that the person who voted by such ballot paper was the person whose name was so written as aforesaid on such counterfoil.

## OFFENCES.

27. No person shall:—

Offences

1. (a) Forge or counterfeit or fraudulently alter, deface or fraudulently destroy any ballot paper, or the name or initials of the deputy returning officer signed thereon; or

(b) Without due authority supply any ballot paper to any person; or

(c) Fraudulently put into any ballot box any paper other than the ballot paper, which he is authorized by law to put in; or

(d) Fraudulently take out of the polling place any ballot paper; or

(e) Without due authority destroy, take, open, or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the election;

2. No person shall attempt to commit any offence specified in this section;

3. Any person guilty of any violation of this section, shall be liable, if he be a returning officer, to imprisonment for any term, not exceeding two years, with or without hard labour, and if he be any other person, to imprisonment for any term not exceeding six months, with or without hard labour.

Penalty by imprisonment.

28. The property in the ballot boxes, ballot papers, counterfoils, and marking instruments procured for or used at an election, shall be in Her Majesty.

Property in ballot boxes, papers, &c., to be in Her Majesty.

29. Every officer and clerk who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of this Act,

Money penalty for offences.

Act, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum of four hundred dollars.

#### MAINTAINING SECRECY OF PROCEEDINGS.

Maintaining  
secrecy of  
proceedings.

**30.** Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place ; and shall not communicate before the poll is closed to any person any information as to the number on the voters' list of any person who has or who has not applied for a ballot paper or voted at that polling place ;

2. No officer, clerk, or agent, and no person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote or otherwise attempt to obtain at the polling place information as to the candidate for whom any voter at such polling place is about to vote or has voted ;

3. No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate for whom any voter at such polling place is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at the polling place, or upon the counterfoil which was attached to such ballot paper, or as to the number prefixed to the name of such voter in the voters' list ;

4. Every officer, clerk and agent in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting, the number on the back of any ballot paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper ;

5. No person shall, directly or indirectly, induce any voter to display his ballot paper after he shall have marked the same, so as to make known to any person the name of the candidate for or against whom he has so marked his vote ;

Penalty for  
contravening  
this section.

6. Every person who acts in contravention of this section, shall be liable on summary conviction before a stipendiary magistrate, police magistrate, or two justices of the peace, to imprisonment for any term not exceeding six months, with or without hard labour.

Statutory de-  
claration of  
secrecy.

**31.** Every returning officer and every officer, clerk or agent, authorized to attend at a polling place, or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy, in the presence, if he is the returning officer, of a justice of the peace, and, if he is any other officer, or a clerk or an agent, in the presence of a justice of the peace or of the returning officer : and such statutory declaration of secrecy shall be in the form mentioned in Schedule F to this Act, or to the like effect.



**32.** No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state for whom he has voted. No one compellable to disclose his vote.

#### GENERAL PROVISIONS.

**33.** A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may in pursuance of this Act be authorized to attend. Candidates may undertake duties of an Agent.

**34.** Where in this Act any expressions are used, requiring or authorizing any act or thing to be done, or inferring that any act or thing is to be done in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorized to attend, and as have in fact attended at the time and place where such act or thing is being done; and the non-attendance of any agents or agent at such time and place shall not, if the act or thing be otherwise duly done, invalidate in anywise the act or thing done. Expressions in the Act referring to Agents. Non-attendance of Agents.

**35.** In reckoning time for the purposes of this Act, Sunday and any day set apart by any Act of lawful authority for a public holiday, fast, or thanksgiving, shall be excluded; and where anything is required by this Act, to be done on any day which falls on such days, such thing may be done on the next juridical day. Non-juridical days.

**36.** The reasonable expenses incurred by the returning officer, and by the other officers and clerks, for printing, providing polling compartments, transmission of the packets required to be transmitted by this Act, and reasonable fees and allowances for services rendered under this Act, shall be paid to the returning officer out of the Consolidated Revenue Fund of the Province, and shall be distributed by him to the several persons entitled thereto, which distribution he shall report to the Lieutenant-Governor through the Provincial Secretary. Expenses incurred by officers to be refunded.

**37.** No election shall be declared invalid by reason of a non-compliance with the rules contained in this Act as to the taking of the poll or the counting of the votes or by reason of any mistake in the use of the forms contained in the schedules to this Act, if it appear to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake did not affect the result of the election. No election to be invalid for want of compliance with rules if in compliance with principles of the Act.

**38.** This Act shall, so far as is consistent with the tenor thereof, be construed as one with the Election Law of 1868, the Construction of the Act in connection.  
Controverted

with Election  
Acts.

What shall be  
deemed a ten-  
der of a vote,  
and a voting.

Controverted Elections Act of 1871, the Election Act of 1873, and with any enactments otherwise relating to the subject matter of this Act; and in construing the said enactments, the mode of election and of taking the poll established by this Act shall, for the purposes of the said enactments be deemed to be substituted for the mode of election or poll or taking the votes by poll, referred to in the said enactments: and any person applying for a ballot paper under this Act shall be deemed to tender his vote, or to assume to vote; and any person shall be deemed to have voted, who shall have put his ballot paper into the ballot box, or shall have caused the same to be put into the ballot box, or shall have delivered the same to the deputy returning officer or poll clerk, for the purpose of having the same placed in the ballot box.

#### ENACTMENTS AMENDED AND REPEALED.

### 39. The following amendments are hereby made:—

32 Vic., c. 21,  
s. 31, cl. 1,  
amended.

Appointment  
of Deputy  
Returning  
Officers.

(1.) Subsection one of section thirty-one of the Election Law of 1868, is hereby repealed, and the following is enacted in lieu thereof:—

“31. For the purpose of taking the votes at any such election the returning officer shall by a commission under his hand and in the form ‘F.’ of the said schedule, appoint some suitable person to be deputy returning officer for every such polling sub-division in which a polling place is to be opened and kept, and shall thereby require such deputy returning officer to open and hold the poll according to law, at the time and place fixed as hereinbefore provided, and at such poll to take and record in the voters’ list the particulars relating to electors voting at the said polling place, which by the Ballot Act of 1874, he is directed to take and record;”

S 31 form F.  
amended.

(2.) Form “F.” referred to in the thirty-first section of the Election Law of 1868 is hereby repealed and the form set forth in schedule G. to this Act, is substituted in lieu thereof;

S. 38, amended.

(3.) Section thirty eight of the Election Law of 1868 is hereby repealed, and the following is enacted in lieu thereof;—

Deputies to  
certify the  
number of  
voters.

“38. Every deputy returning officer shall, at the close of the poll, certify under his signature on the voters’ list in full words, the total number of persons who have voted at the polling place at which he has been appointed to preside;”

S. 49, cl. 1,  
amended.

(4.) Form “M.” referred to in sub-section one of section forty nine of the Election Law of 1868, is hereby repealed and the form in schedule H. to this Act, is substituted in lieu thereof;

S. 49, cl. 2,  
amended.

(5.) Form “N.” referred to in subsection two of section forty-nine of the Election Law of 1868 is hereby repealed, and the form set forth in schedule I. to this Act is substituted in lieu thereof;

S. 50,  
amended.

(6.) Section “fifty” of the Election Law of 1868 is hereby amended, by substituting the word “Act” for the word “section” where it occurs therein;

S. 51,  
amended.

(7.) Section “fifty-one” of the Election Law of 1868 is hereby repealed, and the following is enacted in lieu thereof;

"51. The deputy-returning officer shall deliver or cause to be delivered to the returning officer, together with the packets and documents referred to in the Ballot Act of 1874, the said commissions of the deputy-returning officer and poll clerk, their respective oaths of office, and the said oaths in the forms M. and N. which commissions and oaths shall be annexed to the voters' list;"

Deputies to make certain returns to returning officer.

(8.) From and after the passing of this Act the expression "voters' list" shall be substituted for, and read instead of, the expression "poll book," where in any enactment relating to elections of members of the Legislative Assembly of the Province of Ontario the expression "poll book" is used; and by the expression "voters' list" so to be substituted and read as aforesaid, shall be meant the copy or duplicate of the voters' list furnished in accordance with subsection four of section number twenty-six of the Election Law of 1868; which copy or duplicate, and also the list of voters referred to in sections numbers thirty-four and thirty-five of the Election Law of 1868, shall from and after the passing of this Act, be prepared according to the form in Schedule K;

Construction of the words "Voters List."

32 Vic., c. 21, s. 26, cl. 4 and ss. 34, 35, amended by Schedule K.

(9.) Sections numbers "thirty-nine," "forty," "forty-four," "fifty-two" and "fifty-six," and subsection "two" of section "number forty-two" of the Election Law of 1868, are hereby repealed.

32 Vic., c. 21, ss. 39, 40, 44, 52, 56, and cl. 2, of s. 42, repealed.

40. There shall be transmitted to each returning officer, with the writ of election, such a number of copies of The Election Law of 1868, The Controverted Elections Act of 1871, The Election Act of 1873, and of this Act, as shall be sufficient to supply such returning officer and each of his deputies at the election with one copy at least of the said Acts: and each copy of the said Acts shall be accompanied with a copious alphabetical index.

Transmission to Returning Officers of copies of election Acts and of this Act.

41. This Act shall not go into effect until the dissolution or expiration of the present Legislative Assembly.

When Act to take effect.

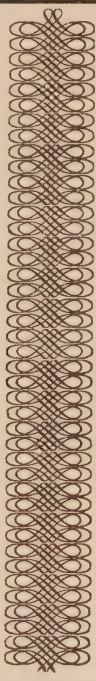
42. This Act may be cited for all purposes as "The Ballot Act of 1874."

Short title.



## SCHEDULE "A."

*Form of Ballot Paper.**(Front.)*

Election for the County of (or , as the case may be)		<b>DOE.</b> (John Doe, Township of Southwold, County of Elgin, Yeoman.)	
Counterfoil, No. No. on Voter's List.		<b>ROE.</b> (Richard Roe, of Town of Goderich, County of Huron, Merchant.)	
<i>Note.—The Counter-          foil is to have a number          to correspond with that          on the back of the Ballot          Paper.</i>		<b>STILES.</b> (Geoffrey Stiles, of 52 Talbot Street, London, Physician.)	
		<b>STILES.</b> (John Stiles, of 31 Gros- venor Street, Toronto, Barrister at Law.)	

No. *(Back.)*Election for the County of  
(or, as the case may be).

18

NOTE.—Nothing else is to be printed on the back of the Counterfoil.

## SCHEDULE B.

*(Referred to in section number Four of this Act.)*

## DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter is to vote for one candidate.

The voter will go into one of the compartments, and, with the pencil provided in the compartment, place a cross on the right hand side, opposite the name of the candidate for whom he votes, thus ×.

The

The voter shall then fold up the ballot paper so as to show the name or initials of the deputy returning officer signed on the back, and leaving the compartment shall, without showing the front of the paper to any person, deliver such ballot so folded to the deputy returning officer and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter votes for more than one candidate, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the officer, he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

*In the following form of Ballot Paper, given for illustration, the Candidates are JOHN DOE, RICHARD ROE, GEOFFERY STILES, and JOHN STILES, and the Elector has marked his ballot paper in favour of RICHARD ROE.*

1	DOE. (John Doe, Township of Southwold, County of Elgin, Yeoman.	
2	ROE. (Richard Roe, of Town of Goderich, County of Huron, Merchant.	X
3	STILES. (Geoffery Stiles, of 52 Talbot Street, London, Physician.	
4	STILES. (John Stiles, of 31 Grosvenor Street, Toronto, Barrister-at-Law.)	

## SCHEDULE C.

*(Referred to in section Twelve of this Act.)*

## FORM OF DECLARATION OF INABILITY TO READ.

I, *A. B.*, of \_\_\_\_\_, being numbered \_\_\_\_\_ on the voters' list for polling subdivision No. \_\_\_\_\_ in the Electoral Division of \_\_\_\_\_ do hereby declare that I am unable to read, *(or that I am from physical incapacity unable to mark a voting paper, as the case may be.)*

The \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_ *A. B.* (His × mark.)

## SCHEDULE D.

*(Referred to in section Twelve of this Act.)*

## FORM OF ATTESTATION CLAUSE TO BE WRITTEN UPON OR ANNEXED TO THE DECLARATION OF INABILITY TO READ.

I, the undersigned, being the Deputy Returning officer for polling subdivision No. \_\_\_\_\_ for the Electoral Division of \_\_\_\_\_ do hereby certify that the above *(or as the case may be)* declaration having been first read to the above named *A. B.*, was signed by him in my presence with his mark.

*(Signed)* \_\_\_\_\_ *C. D.*,  
Deputy Returning Officer for polling  
subdivision No. \_\_\_\_\_ in the Electoral  
Division of \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_

## SCHEDULE E.

*(Referred to in section Fourteen of this Act.)*

## FORM OF OATH.

1. You swear *(or, solemnly affirm)* that you believe that your name ought to have been entered upon the voters' list to be used for the \_\_\_\_\_ polling subdivision of the Township *(or, as the case may be)* of \_\_\_\_\_ in the Electoral Division of \_\_\_\_\_ at the present election, and that your name has been improperly omitted from such voters' list.

*(Add the statements necessary for Voters' oath in other cases.)*

## SCHEDULE F.

*(Referred to in section Thirty-one of this Act.)*

## FORM OF STATUTORY DECLARATION OF SECRECY.

I solemnly promise and declare that I will not at this election for the Electoral Division of \_\_\_\_\_ *(as the case may be)* do anything



anything forbidden by section thirty of The Ballot Act of 1874, which section has been read to me.

NOTE.—*The section must be read to the declarant by the person taking the declaration.*

### SCHEDULE G.

*(Referred to in section Thirty-nine of this Act)*

“FORM F.”

“*Commission of Deputy Returning Officer.*”

“To G. H. *(Insert his residence and legal addition.)*

“Know you, that in my capacity of Returning Officer for the Electoral Division of I have appointed and do hereby appoint you to be Deputy Returning Officer for the polling subdivision of the Township *(or as the case may be)* of in the said Electoral Division, there to take the votes of the electors according to law, at the polling place to be by you opened and kept for that purpose, and you are hereby authorized and required to open and hold the poll of such election for the said polling subdivision of the said Township *(or as the case may be)* of on the day of A. D. 18 , at nine o'clock in the forenoon, at *(here describe particularly the place in which the poll is to be held)*, and there to keep the said poll open during the hours prescribed by law, and to do and perform in such polling place all acts and duties required to be performed by the Deputy Returning Officer appointed to act therefor, and to return to me on or before the day of A. D. 18 , together with this commission, the several packets and documents required to be returned to me in the manner prescribed by section eighteen of The Ballot Act of 1874.

“Given under my hand at the of in the County *(or as the case may be)* of this day of A. D. 18 .

“*(Signed)*

A. B.,

“Returning Officer.”

### SCHEDULE H.

*(Referred to in section Thirty-nine of this Act.)*

“FORM M.”

“*Oath of the Poll Clerk after closing of the poll.*”

“I, the undersigned, Poll Clerk for the polling sub-division of the Township *(as the case may be)* of in the Electoral Division of do solemnly swear *(or if he be a person permitted by law to affirm, do solemnly affirm)* that the annexed voters' list used in and for the said polling subdivision

“subdivision of the said Township (*or as the case may be*), under the direction of *C. D.*, who has acted as Deputy Returning Officer for such polling subdivision, has been so used by me under his direction as aforesaid, and that the entries required by law to be made therein have been so made by me correctly and to the best of my skill and judgment.

“ (*Signed*)

*E. F.*

“Poll Clerk.”

“Sworn (*or affirmed*) and subscribed before me at this day of A. D. 18 .

“ (*Signed*)

*X. Y.*,

“Justice of the Peace.

“ (*Signed*)

*A. B.*,

“Returning Officer.

“ (*Signed*)

*C. D.*,

“Deputy Returning Officer.”

NOTE.—*The foregoing oath is to be annexed to the voters' list used at the election.*

## SCHEDULE I.

(*Referred to in section Thirty-nine of this Act*)

“FORM N.”

“Oath of the Deputy Returning Officer after the closing of the poll.”

“I, the undersigned, Deputy Returning Officer for the polling subdivision of the Township (*or as the case may be*) of in the Electoral Division of do solemnly swear (*or if it be a person permitted by law to affirm*, do solemnly affirm) that to the best of my knowledge the annexed voters' list used in and for the said polling subdivision of the said Township (*or as the case may be*), was so used under my direction in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

“ (*Signed*)

*C. D.*,

“Deputy Returning Officer.

“Sworn (*or affirmed*) before me at this day of A. D. 18 .

“ (*Signed*)

*X. Y.*,

“Justice of the Peace.

“Or *A. B.*,

“Returning Officer.”

NOTE.—*The foregoing oath is to be annexed to the voters' list used at the election.*

SCHEDULE

SCHEDULE K.

Referred to in Section Thirty-nine of this Act.

FORM IN WHICH THE VOTERS' LIST TO BE FURNISHED TO DEPUTY RETURNING OFFICERS IS TO BE PREPARED.

Number prefixed.	NAMES OF THE VOTERS.	Description of Property in respect of which Voter is entitled to vote.	Owner, Tenant, or Occupant.	Residence of Voter.	Legal addition.	Objections.	Sworn or affirmed.	Refusal to swear or affirm.	Column for mark indicating that the voter has voted.	REMARKS.

Note.—The Numbers directed by section in the first column.

of this Act to be prefixed by the deputy returning officer to the names in the Voters' list are to be placed



## CAP. VI.

## An Act respecting the Solemnization of Marriages.

[Assented to 24th March, 1874]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Marriages  
before passing  
of this Act  
legalized.

Proviso.

One publica-  
tion of banns  
sufficient.

Certificate in-  
stead of li-  
cense.

1. All marriages which have before the passing of this Act, been celebrated within the Province of Ontario or within Upper Canada, by any person legally authorized to marry, between persons not under any legal disqualification for entering into the contract of matrimony, are hereby declared to have been and to be lawful and valid so far as respects the civil rights, in this Province, of the parties or their issue, and so far as respects all matters within the jurisdiction of the Ontario Legislature, notwithstanding that the banns were not published for the number of times, or at the place or time, or in the manner required by law, or that there was any other defect in the publication of the banns, or that no banns were published; or, notwithstanding that there was any defect in the marriage license, or that the marriage was celebrated without license: Provided that the parties thereafter lived together, and cohabited as husband and wife, and that the validity of the marriage has not hitherto been questioned in any suit at law or in equity; and provided further that nothing in this Act contained shall extend or be construed to extend to make valid any marriage illegally solemnized where the parties to such illegal marriage or either of them has since contracted matrimony according to law.

2. In case of an intended marriage after publication of banns, and without a license or a certificate under this Act, it shall not henceforward be necessary that banns be published on more than one Sunday; and it shall be sufficient, if the intention of the two persons to intermarry be proclaimed once, openly, and in an audible voice, either in the church, chapel or meeting house in which one of the parties has been in the habit of attending worship, or in some church, chapel, meeting house, or place of public worship of the congregation or religious community with which the minister or clergyman who performs the ceremony is connected, in the local municipality, parish, circuit or pastoral charge, where one of the parties has, for the space of fifteen days immediately preceding, had his or her usual place of abode; such proclamation to be on a Sunday, immediately before the service begins, or immediately after it ends, or at some intermediate part of the service.

3. A certificate in the form given in Schedule A to this Act may at the option of the applicant, be substituted for the marriage

riage license heretofore required; and a certificate under this Act shall have the same legal effect as a license.

4. Such certificate or license shall hereafter be issued from the office of the Provincial Secretary, and shall be furnished to persons requiring the same by such persons as the Lieutenant-Governor in Council shall name for that purpose. A license shall be under the hand and seal of the Lieutenant-Governor.

Marriage  
licenses to be  
issued by Prov.  
Sec. and  
signed by  
Lieut.-Gov.

5. Before any certificate or license is granted by any person so named, one of the parties to the intended marriage shall personally make oath before the person who is to grant the certificate or license, that he or she believes that there is no affinity, consanguinity, precontract, or other lawful cause, or legal impediment, to bar or hinder the solemnization of the marriage, and that one of the parties has for a space of fifteen days immediately preceding the issue of the certificate or license had his or her usual place of abode within the judicial district or county, in which (for either municipal or judicial purposes) the local municipality in which the marriage is to be solemnized lies; and in case either of the parties, not being a widower or widow, is under the age of twenty-one years, that the consent of the person whose consent to the marriage is required by law has been obtained thereto: Provided always, that if there is no person having authority to give such consent, then, upon oath made to that effect by the party requiring the certificate or license, it shall be lawful to grant the certificate or license notwithstanding the want of any such consent. The affidavit may be in the form set forth in Schedule B to this Act.

Affidavit of  
party before  
license or  
certificate is  
granted.

Form of  
affidavit.

6. The father, if living, of any party under twenty-one years of age (not being a widower or widow,) or, if the father be dead the guardian or guardians of the person of the party so under age, lawfully appointed, or one of the guardians, if there are more than one; or, in case there is no such guardian, then the mother of the minor, if the mother is unmarried, shall have authority to give consent to the marriage.

Persons whose  
consent to  
marriage of a  
minor is to be  
obtained.

7. In case the person having authority to issue the certificate or license has personal knowledge that the facts are not as the fifth section of this Act requires, he shall not issue the certificate or license; and if he has any reason to believe or suspect that the facts are not as aforesaid, he is, before issuing the certificate or license, to require further evidence to his satisfaction in addition to the said affidavit or deposition.

Issuer having  
personal  
knowledge or  
reason to sus-  
pect that affi-  
davit is un-  
true.

8. No fee shall be payable for any license or certificate, except the sum which the issuer of marriage licenses has heretofore been entitled or allowed to retain for his own use in respect of a marriage license; and the issuer of the license or certificate shall be entitled to retain the said sum for his own use as heretofore; but the Lieutenant-Governor in Council may from time to time reduce the sum so payable.

Fees.

Expense of  
providing  
licenses.

**9.** All expenses incident to providing licenses and certificates, are to be paid by the issuer of the licenses and certificates.

License to pro-  
tect minister  
from damages  
when he is  
unaware of  
the impedi-  
ment.

**10.** No minister who performs any marriage ceremony after banns published, or after a license or a certificate issued under this Act, shall be subject to any action or liability for damages or otherwise by reason of there having been any legal impediment to the marriage, unless, at the time when he performed the ceremony, he was aware of the impediment.

When this Act  
to go into  
effect.

**11.** This Act shall go into effect on the first day of July next, after the passing thereof; except as to the first section which shall go into effect forthwith.

### SCHEDULE A.

*(Being form of certificate before marriage without banns.)*

THESE are to certify that *A. B.* of \_\_\_\_\_ and *C. D.* being minded, as it is said, to enter into the contract of marriage, and being desirous of having the same duly solemnized, the said *A. B. (or C. D.)* has made oath as required by law, that he (*or she*) believes that there is no affinity, consanguinity, precontract or any other lawful cause or legal impediment, to bar or hinder the solemnization of the said marriage, and that said *A. B. or C. D. (or both as the case may be)* has (*or have*) had his (*or her, or their*) usual place of abode, for the space of fifteen days last past, within the *city, county, (or district)* of \_\_\_\_\_ namely, in the *township, town or village* of \_\_\_\_\_ in the said *county or district* of \_\_\_\_\_ and that the said *A. B. and C. D.* are of the full age of twenty-one years [*or that A. B. (or C. D.)* is a widower or widow; *or* is under the age of twenty-one years and that the consent of *E. F.*, whose consent to said marriage is required by law, has been obtained; *or* that the father of the said (*party under age*) is dead, no guardian of the person of said (*party*) has been appointed, and the mother of said (*party*) is dead (*or married,*) and there is no person having authority to give consent to said marriage, (*as the case may be*). And these are therefore to certify that the requirements of the Act respecting the solemnization of marriages have been complied with.

Given under my hand and seal at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_ and in the \_\_\_\_\_ year of Her Majesty's reign.

G. H.

*(Issuer of Licenses.)*

Issued from the office of the Provincial Secretary for Province of Ontario, }  
under 37 Vict. cap. 6, this day of 18 . }

K. L.

Provincial Secretary.

SCHEDULE



## SCHEDULE B.

I, *A. B.* (or *C. D.*) of \_\_\_\_\_ } [Bachelor (or widower),  
make oath and say, \_\_\_\_\_ } Spinster (or widow),

1. That I, and *C. D.* of \_\_\_\_\_ } [spinster (or widow),  
bachelor (or widower)] are desirous of entering into the contract  
of marriage, and of having our marriage duly solemnized.

2. That, according to the best of my knowledge and belief,  
there is no affinity, consanguinity, precontract, or any other  
lawful cause or legal impediment, to bar or hinder the solemniza-  
tion of the said marriage.

3. I, (or the said *C. D.* or both as the case may be) have (or  
has) had since the \_\_\_\_\_ day of \_\_\_\_\_ my (or his, or her, or our)  
usual place of abode, within the municipality of \_\_\_\_\_

4. I am of the age of \_\_\_\_\_ years, and the said *C. D.* is of  
the age of \_\_\_\_\_ years.

5. (In case of one or both of the parties being under the age  
of twenty-one years) I am a { widower } or the said *D. C.* (or  
*A. B.*) is a { widow } or according to the facts); or *E. F.* of  
\_\_\_\_\_ { widower }

is the person whose consent to said marriage is re-  
quired by law, and the said *E. F.* consents to the said marriage  
(or the father of the said (party under age) is dead, no guar-  
dian of the person of the said (party under age) has been ap-  
pointed, and the mother of the said (party under age) is dead  
(or married), and there is no person having authority to give  
consent to said marriage (as the case may be.)

Sworn before me, at \_\_\_\_\_ of \_\_\_\_\_ (Signed,) *A. B.*  
in the \_\_\_\_\_ day of \_\_\_\_\_ 18 . }  
this \_\_\_\_\_ day of \_\_\_\_\_ *G. H.* } or *C. D.*  
(Issuer of License.)

## CAP. VII.

An Act to make further provision for the due  
Administration of Justice.

[Assented to 24th March, 1874.]

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. In order to secure the due despatch of the increased busi- Judges of the  
ness of the Superior Courts, the due disposal of the increased Court of Error  
circuit business, the speedy trial of controverted elections, and Appeal  
to be  
the appointed.

the due hearing and early determination of cases in appeal, three additional judges are to be appointed in the manner prescribed by the British North America Act, 1867; and the additional judges so appointed shall be, and be called, justices of the Court of Error and Appeal.

Vacancy in office of Chief Justice, how it may be filled.

2. Whenever a vacancy in the office of Chief Justice of the Court of Error and Appeal takes place, it shall not be necessary that the person appointed to the office be a retired judge of any court; and the additional judges so to be appointed, may be selected from the judges for the time being of the Courts of Queen's Bench, Chancery, and Common Pleas, or from such barristers as are eligible to be appointed judges of these courts.

Duties and powers of the judges.

3. The Justices so appointed shall, in addition to their duties as judges of the Court of Error and Appeal, preside over Courts of Assize and Nisi Prius, and of Oyer and Terminer and General Gaol Delivery, and hold Chancery Sittings for the examination of witnesses and hearing of causes; and every such judge in the exercise of such duties shall have the same rights, powers, and privileges as a judge of either of the Superior Courts of Common Law, or of the Court of Chancery, sitting as aforesaid.

Four judges only to sit, and four to be a quorum.

4. No sitting of the Court of Error and Appeal shall be held unless four of its members are present, and no greater number than four shall sit at one time, except for the purpose of giving judgments.

Precedence of the chief justice and judges

5. The chief justice of the Court of Error and Appeal, shall continue to have rank and precedence over all the other judges of Her Majesty's courts of law and equity in Ontario: and the other judges of the said Court of Error and Appeal appointed under the authority of this Act, and the Chief Justice of Ontario, the Chancellor of Ontario, and the Chief Justice of the Court of Common Pleas, shall have rank and precedence, between themselves, according to their seniority of appointment to any of the said offices; but this shall not interfere with the precedence now existing between the present Chancellor of Ontario and the present Chief Justice of the Common Pleas.

Power to the chief justice and judges to sit in Chancery or the superior courts of Common law.

6. It shall be lawful for the Chief Justice, or any of the judges of the said Court of Error and Appeal, or any retired judge of any of the superior courts, if he find it convenient, to sit in the Courts of Queen's Bench, Chancery or Common Pleas, upon the request of the judges or judge with or for whom he shall be so requested to sit; and the said Chief Justice or other judge shall, while so sitting, have all the powers and authority of a judge of the court in which he shall be so sitting.

7. The judges for the time being of the superior courts shall continue to be *ex officio* judges of the Court of Error and Appeal, so as to provide for the cases mentioned in the next section of this Act.

Present judges to be *ex-officio* judges in appeal for certain purposes

8. Until there are four judges of the Court of Error and Appeal, who are not *ex officio* judges thereof, and thereafter in case of there being a vacancy in the court of appeal, or in case from illness or some other cause, one or more of the judges of the Court of Error and Appeal shall not be present at some sitting of the said court, or in case one or more of the said judges shall be under some legal disqualification to hear an appeal, the judges of the courts of Queen's Bench, Chancery and Common Pleas shall choose from amongst their number a judge, or as many judges as necessary, to supply for the time the place or places vacant, or the place or places of the judge or judges of the Court of Appeal so absent or disqualified; and the judges so chosen and acting shall have authority to continue to hear appeals partly heard before them, and to give judgment in all appeals heard before them, notwithstanding that such vacancy may in the meantime have been filled up, or that the judge who was absent may have resumed his duties.

Vacancies in the court may be filled by and from the judges of the superior courts.

9. No Judge of that Court against whose judgment, decree or decision any error is assigned or appeal brought, shall sit or take part in the hearing of or adjudication upon the proceedings in Error and Appeal, in case such judge took part in the hearing in the court below.

Judge whose decision appealed from, not to sit on appeal.

10. In the absence of the Chief Justice of the Court of Error and Appeal, the judge entitled to precedence over the other judges present shall preside.

President in absence of chief justice.

11. The Court of Error and Appeal shall have all the powers and duties as to amendment and otherwise of the Court or Judge from which or whom the appeal is had, together with full discretionary power to receive further evidence upon questions of fact; such evidence to be either by oral examination in Court, by affidavit, or by deposition taken before any person whom the Court may direct. Such further evidence may be given without special leave upon interlocutory applications, or in any case as to matters which have occurred after the date of the decision from which the appeal is brought. Upon appeals from a decree or judgment upon the merits at the trial or hearing of any action or matter, such further evidence (save as aforesaid) shall be admitted on special grounds only, and not without the special leave of the Court. The Court shall have power to give any judgment and make any decree or order which ought to have been made, and to make such further or other order as the case may require.

Powers of the Court of Error and Appeal as to amendments, evidence, judgments and decrees.

11a. The powers in the next preceding section mentioned may be exercised by the said Court, notwithstanding that the notice

Manner of executing the powers in the of



preceding section.

Costs.

Sittings.

Appeals before first of January 1874, from a single judge need not first go before full court.

Cases already cited.

Judges in appeal to place one of themselves on the rota under Controverted Elections Act.

Duties of Judges under Dominion Controverted Elections Act,

provisions as to judges in appeal and such Acts.

of appeal may be, that part only of the decision may be reversed or varied; and such power may be exercised in favour of all or any of the respondents or parties, although such respondents or parties may not have appealed from, or complained of the decision. The Court shall have power to make such order, as to the whole or any part of the costs of appeal as may seem just.

**12.** The Court of Error and Appeal shall sit at such times and for such periods as the acting judges thereof for the time being, or a majority of them shall, from time to time, deem necessary or convenient for the speedy dispatch of business; notice of the holding of such sittings being given according to the usual practice.

**13.** Any appeals to the said Court, which were instituted before the first day of January last from judgments, decrees, rules, or orders of a single Judge, shall be adjudicated upon by the said Court of Error and Appeal without having been first brought, by rehearing or otherwise, before the full Court in which the judgment decree, rule or order was made. Any cases heard before this Act comes in force and then standing for judgment shall be disposed of as if this Act had not been passed.

**14.** The Justices of the Court of Appeal, shall, immediately after the appointment of three justices, under this Act, and shall in subsequent years, at the like times and under the like circumstances as the judges of the courts of Queen's Bench, Chancery and Common Pleas, select a judge or judges of the Court of Appeal to be placed on the *rota* for the trial of election petitions under the Controverted Elections Acts of Ontario; and the judge or judges so selected shall perform the like duties, and shall have the like powers as the other judges upon the *rota*.

**15.** The Lieutenant-Governor may, by Order in Council, authorize and require the Chief Justice of Ontario, the Chancellor of Ontario, the Chief Justice of the Court of Common Pleas for Ontario, and the Vice-Chancellors and Judges of the Courts of Chancery, Queen's Bench and Common Pleas, and such persons as may, from time to time, hold any of the said offices to perform the duties which by the Act of the Dominion of Canada, intituled "The Controverted Election Act of 1873," are assigned to such Chief Justices, Chancellor, Vice-Chancellors and Judges; and any order in this behalf heretofore made, shall be as valid as if the same had been made after the passing of this Act: and in case the Parliament of Canada assign like duties to the Chief Justice of the Court of Error and Appeal, and the justices to be appointed under this Act, it shall be lawful for the Lieutenant-Governor in Council to make a similar order with reference to such Chief Justice and Justices: Provided, that the Lieutenant-Governor in Council may, at any time, revoke any order made under this section.

**16.** Every Judge of the Court of Error and Appeal, appointed under this Act, shall, previous to entering upon the duties of his office, take the following oath to be administered to the Chief Justice by the Lieutenant-Governor in Council, and to the justices in open court by the Chief Justice :

Oath of Judges  
Of Court of  
Error and  
Appeal.

“ I , do solemnly and sincerely promise and swear, that I will duly and faithfully, and to the best of my skill and knowledge, execute the powers and trusts reposed in me (as Chief Justice, or one of the Justices) of the Court of Error and Appeal; So help me God.”

**17.** All matters which, according to the law or practice heretofore prevailing, have been heard, in the Court of Queen's Bench or Common Pleas, before the full Court in term, with the exception of a motion for a new trial on account of some error on the part of the Judge before whom the trial was had, a motion to enter or set aside a nonsuit, or any other matter in the nature of an appeal from the decision, judgment or order of a single Judge, or of a County Court, or such matters as the judges of the said Courts, by rule or order made under the authority of this Act, may appoint to be heard before the full Court, are hereafter, unless a judge shall otherwise direct, to be heard and disposed of in the first instance by a single Judge, subject to be reheard by the full Court as hereinafter provided; and except as in the thirteenth section provided there shall be no appeal from the judgment, decree, rule or order of a single judge until after, by a rehearing or otherwise, the matter has been brought before the full court, and adjudicated upon by such court, unless by leave of the said judge.

Certain mat-  
ters at law  
to be dealt  
with by a sin-  
gle judge  
subject to re-  
hearing by the  
full court.

No appeal till  
after rehear-  
ing.

**18.** In case a motion or application shall be made to the full Court which should be made to a single judge, or in case a motion or application should be made to a single judge which should be made to the full Court, such motion or application shall stand good, and the Court, or the judge as the case may be, shall, before or after the issue of a rule *nisi*, transfer the case, motion or application to the judge or Court before or to whom the motion or application should have been made.

Motions made  
to full Court  
which should  
have been  
made to a  
single judge,  
and *vice versa*.

**19.** One judge of each of the Courts of Queen's Bench, Chancery and Common Pleas is to sit in open court every week as well in as out of term, excepting during the long vacation, and excepting the period from the twenty-fourth day of December to the sixth day of January thereafter, both days inclusive, for the purpose of disposing of all court business which may be transacted by a single judge; Provided always that when the business to be transacted does not appear to require more than one judge of the said Courts of Common Law to sit as aforesaid, a judge of either of the said courts may sit for both courts and dispose of the business.

One judge of  
each court to  
sit in open  
court every  
week, except  
in long vaca-  
tion.

Rehearing on decision of single judge.

**20.** All rules, orders and decisions which are granted made or pronounced by a judge sitting alone, under the foregoing provisions, shall be subject to be reviewed and reheard by the full court; and the full court may for that purpose be constituted of two judges.

Power to appoint days for holding courts of assize, &c., and the days, and county towns for Chancery sittings.

**21.** The judges of the Court of Appeal and of the Courts of Queen's Bench, Chancery and Common Pleas jointly, or a majority of them, shall hereafter appoint the days upon which Courts of Assize and Nisi Prius, and of Oyer and Terminer and General Gaol Delivery, shall be held throughout Ontario, and shall also appoint the days, and name the county towns, at which circuit sittings of the Court of Chancery shall be held.

Common Law judges may appoint courts of assize in any county for issues to be tried without a jury.

**22.** The judges of the Courts of Queen's Bench, and Common Pleas, or of either of these courts, may appoint Courts of Assize and Nisi Prius, to be held without commission, either at Toronto or in any other county in the Province, as often, and at such times, as they shall see fit, for the trial of causes which are to be tried by a judge without a jury.

Common Law or retired judges may hold Chancery sittings, and Chancery judges assizes.

**23.** A Judge of the Court of Queen's Bench or of the Court of Common Pleas, or a retired Judge of any of the Superior Courts, if requested so to do by a Judge of the Court of Chancery, may hold a sitting of the Court of Chancery for the hearing of causes; and a Judge of the Court of Chancery may hold the assizes for any county or counties, if requested by a Judge of one of the said Courts of Common Law so to do.

Powers of the presiding judge at any assize. Reservation of decision.

**24.** Any judge or queen's counsel presiding at any sittings of the Courts of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery, held under the authority of this Act or otherwise, or of any of such Courts, shall while so presiding possess, exercise and enjoy all the powers and authorities which were formerly granted in commissions issued for holding all or any of the said Courts, or which a judge of either of the superior courts of law would have, if presiding thereat; and may in civil proceedings reserve the giving of his final decision on questions raised at the trial; and his decision whenever given shall be considered as if given at the time of the trial.

Assizes may be held during term. Motions in such cases as to the trial or verdict.

**25.** The assizes for any county shall not be put an end to by the commencement of a term of the courts of common law, but may continue and be holden during term; and in case of a trial during term, all motions respecting the trial or verdict shall be made within six days after the day on which the verdict is rendered, if so many days expire in term, and if not, then, within the first four days of the ensuing term; and until the time for moving as aforesaid has expired, judgment shall not be signed unless the judge who tried the action certify under his hand, on the back of the record, that in his opinion execution ought to  
issue



issue in such action forthwith, or at some day to be named in such certificate, and subject or not to any condition or qualification.

**26.** The sittings of the Courts of Assize and Nisi Prius in any county may, in the discretion of the judges appointing the days therefor, or of the judge who has been appointed to preside or is presiding thereat, be held separate and apart from the Courts of Oyer and Terminer and General Gaol Delivery in the said county, and either on the same day or on a different day; and either of such courts may be presided over by any judge or retired judge of any of the Superior Courts, or by one of the judges of any County Court in Ontario, or by some one of Her Majesty's counsel, learned in the law, appointed for Upper Canada, or for the Province of Ontario, upon such judge or counsel being requested by any of the chief justices or judges of the superior courts of law to attend for that purpose.

Sittings of assizes and nisi prius may be distinct from courts of Oyer and Terminer and General Gaol Delivery:

Who may preside.

**27.** In case the decision of a question raised at the assizes is not given until term by the judge reserving the same, all motions respecting the trial or verdict shall be made within ten days after the day on which the decision is given, if so many days expire in term, and if not then within the first four days of the ensuing term; and until the time for moving as aforesaid has expired, judgment shall not be signed unless the judge who tried the action certify in the manner provided by the twenty-fifth section of this Act.

Time for moving as to the trial when a reserved decision not given till term.

**28.** Any sitting of the Court of Chancery for the hearing of causes, may be held by a judge or a retired judge of any of the Superior Courts, or by any one of Her Majesty's counsel aforesaid, or by one of the judges of any County Court in Ontario, upon such counsel or judge being requested by the chancellor, or one of the vice-chancellors, to attend for the purpose; and such judge or counsel while holding the sitting shall possess, exercise and enjoy all the powers and authorities of a judge of the Court of Chancery, and may give his decision either during the sitting or afterwards; and such decision shall have the like force and effect as the decision of a judge of the Court of Chancery.

Judge or retired judge of Superior Court, County Court judge or Queen's counsel, may hold sittings in Chancery. Powers. Decision.

**29.** Any issue of fact joined in an action depending in either the Courts of Queen's Bench or Common Pleas, and which, according to the course and practice of the said Courts, may be tried at Nisi Prius by a Judge without a jury, may be entered for trial at any sitting of the Court of Chancery held for the hearing of causes, at the county town of the county where the venue is laid.

Issues of fact at law to be tried without a jury may be tried in Chancery.

**30.** The record shall in such cases be passed by the clerk or deputy clerk of the crown, as the case may be, and shall be entered for trial with the Registrar or Deputy-Registrar as the

Entry of record and practice in above cases.

case

case may be; and the practice to be followed in respect of notice of trial, and the entering the record in causes so entered for trial at any chancery sittings, shall be as nearly as possible that of the said Courts of Common Law.

In the above cases, the evidence procedure postea and powers of the Chancery judge.

**31.** The Judge of the Court of Chancery before whom any trial is had under the foregoing provisions shall, upon the trial, enforce the same rules as to evidence, and the evidence shall be given in the same manner, and the procedure generally shall be the same, as at a trial at the assizes; and the postea shall be *mutatis mutandis* in the same form as that applicable to trials at the assizes; and any Judge of the Court of Chancery so presiding at the trial of an issue joined in an action at law, shall have all the powers of a Judge sitting at the assizes.

In certain cases the jury may be directed to answer questions, and on the answers the judge shall enter verdict.

**32.** Upon a trial by jury, in any case except an action for libel, slander, criminal conversation, seduction, malicious arrest, malicious prosecution, and false imprisonment, the judge, instead of directing the jury to give either a general or a special verdict may direct the jury to answer any questions of fact stated to them by the judge for the purpose; and in such case the jury shall answer such questions, and shall not give any verdict; and on the finding of the jury upon the questions which they answer, the judge shall enter the verdict; and the verdict so entered, unless moved against, shall stand and be effectual as if the same had been the verdict of the jury.

Verdicts, how considered by the courts.

**33.** Every verdict shall be considered by the court, in all motions affecting the same, as if leave had been reserved at the trial to move in any manner respecting the verdict, and in like manner as if the assent of parties had been expressly given for that purpose.

New trials.

**34.** A new trial shall not be granted on the ground of misdirection, or of the improper admission or rejection of evidence, unless in the opinion of the court to which application is made some substantial wrong or miscarriage has been thereby occasioned in the trial of the action; and if it appear to such Court that such wrong or miscarriage affects part only of the matter in controversy, the court may give final judgment as to part thereof, and direct a new trial as to the other part only.

Jury fees.

**35.** Hereafter jury fees on a record shall only be charged in case there are issues to be tried by a jury.

Order for oral examinations when attorneys reside in same county.

**36.** When the attorneys of the plaintiff and defendant reside in the same county, an order for oral examination under section twenty-four of the "Administration of Justice Act of 1873," in any action pending in either of the Superior Courts of Law, may be made by the Judge of the County Court of the said County, but this section shall not apply to the County of York.

**37.** In case it is shown by affidavit to the satisfaction of the court, or of a judge having jurisdiction in the case, that a defendant in replevin cannot be served with a copy of the writ in any of the modes authorized by section six of the Act of the Consolidated Statutes for Upper Canada, intituled "An Act relating to Replevin," the said court or judge, if the defendant has not appeared, may either require some further attempt to effect service, or appoint some act to be done or some notice of the proceedings to be published in such manner as the court or judge deems proper; and thereupon (or upon the first application if the court or judge think fit) the court or judge may authorize the plaintiff to proceed in the action in such manner and subject to such conditions as the court or judge may direct or impose.

Replevin proceedings when defendant cannot be served.

**38.** In an action of replevin, it shall not be necessary for the plaintiff to enter an appearance for the defendant; and in case of non-appearance by the defendant if the plaintiff file the writ and an affidavit of service thereof, or a rule of court or a judge's order for leave to proceed, the plaintiff may proceed in the action in the same manner as in an action commenced by an ordinary writ of summons.

Appearance by or for defendant not requisite.

Procedure.

**39.** In case the plaintiff in an action of replevin, becomes entitled to sign judgment by default, he shall be at liberty to sign final judgment for the sum of five dollars, and costs according to the proper scale, but shall not be entitled to recover a larger sum except upon an assessment before a judge or jury, or upon filing the written consent of the defendant or his attorney, and an affidavit verifying the signature to such consent.

Damages on judgment by default.

**40.** In case upon an assessment aforesaid after interlocutory judgment by default, the plaintiff does not recover a larger amount than the said sum of five dollars, he shall tax such costs only as he would have obtained had he signed final judgment for the said sum under the preceding section, unless a judge shall otherwise order.

Costs on assessment if no more than \$5.

**41.** In case of non-appearance by the defendant in an action for dower, if the demandant files the writ and an affidavit of personal service thereof or a rule of court, or judge's order for leave to proceed as if personal service had been effected, the demandant may enter judgment of seizin forthwith, and sue out a writ of assignment of dower, but she shall not be entitled to tax or recover the costs of suit or of entering such judgment against the defendant, unless the court or a judge shall so order.

Non-appearance in dower. Judgment of seizin. Execution. Costs.

**42.** In an action for dower, in case the defendant has filed and served an acknowledgment and consent under the sixteenth section of the Dower Act, and the demandant does not within three months thereafter sue out and cause to be executed a writ of

Case wherein defendant may sue out execution, if demandant does not.



of assignment of dower, the defendant may, by leave of the court or a judge, sue out such writ ; and the writ shall be, as nearly as may be, in the same form as a writ sued out by the defendant ; and the like proceedings shall be had thereon.

Tenant may notify dowress of desire to assign her dower ; procedure thereon.

**43.** The tenant of the freehold may at any time before action commenced serve upon a dowress a notice in writing that he is willing to assign her dower in the land (*describing it*) out of which she is entitled to dower, and may thereafter apply to one of the superior courts, or to a judge thereof, for a rule or order directing that a writ shall issue for the assignment of dower ; and a writ therefor, may thereupon issue, and the like proceedings may be had thereon as upon a writ sued out after judgment in an action.

Order as to costs.

**44.** The court or judge granting a rule or order under either of the two next preceding sections may make such order as to the costs of the proceedings as appears just.

Procedure in case of service on foreign defendant, and neglect to appear.

**45.** Where in a suit upon a contract or judgment against a defendant residing out of the Province of Ontario, it appears to the satisfaction of the court or a judge that the plaintiff has a good cause of action against the defendant, and that the defendant has assets in Ontario of the value of two hundred dollars at least, which may be rendered liable to the judgment in case the plaintiff should recover in the action, and that the writ has been personally served upon the defendant, or, in case the defendant is not a British subject, that the notice authorized by section forty-five of the Common Law Procedure Act has been so served, or, in case of a foreign corporation aggregate, that such notice has been personally served upon the head officer of the corporation at its chief place of business, and that the defendant wilfully neglects to appear, the court or judge may, although the contract was made without Ontario, if the breach thereof occur within Ontario, or in case the suit is upon a judgment, notwithstanding the cause of action wholly arose out of Ontario, direct from time to time that the plaintiff shall be at liberty to proceed in the action in such manner, and subject to such conditions, as to the court or judge shall seem fit ; but the plaintiff before obtaining judgment shall prove the amount of debt or damages claimed by him in the action, either before a judge or jury upon an assessment in the usual mode, or by reference in manner provided by the Common Law Procedure Act, according to the nature of the case, as the court or judge may direct. This section does not take away any right of the plaintiff in cases for which sections forty-four and forty-five of the Common Law Procedure Act make provision.

Execution for costs due under order of clerk of the Crown in chambers.

**46.** Writs of execution may be issued for enforcing the payment of costs directed to be paid by an order of the Clerk of the Crown and Pleas of the Court of Queen's Bench at Chambers,  
in

in the same manner as writs of execution may issue upon a judge's order directing payment of costs.

**47.** The authority conferred upon the judges therein mentioned, by the fifth section of the "Act respecting proceedings in Judges' Chambers," passed in the thirty-third year of Her Majesty's reign, shall, subject to the exception therein contained, extend to empowering the Clerk of the Crown and Pleas of the Court of Queen's Bench to do any such thing, and to transact any such business and to exercise any such authority and jurisdiction as are now, or may be hereafter, done, transacted or exercised by a judge of either of the superior Courts of Law sitting at Chambers; and the words "judge's order" and "order of a judge," and other like expressions in any Act of the Legislature of Ontario, when referring to an order of a judge of a superior Court of Law, shall include an order made by the said clerk under the authority of the said section, unless there is something in the context indicating a different meaning.

Powers to the Clerk of the Crown in chambers.

Meaning of the words "judge's order."

**48.** The authority conferred upon the court of Chancery, by the second section of the "Act respecting the Court of Chancery," passed in the thirty-fourth year of Her Majesty's reign, shall, subject to the exceptions therein contained, saving opposed applications for administration orders, and opposed applications respecting the guardianship of the person or property of children, which applications the Referee may be hereafter empowered to dispose of, extend to empowering the "Referee in Chambers," of the said Court to do any such thing, and to transact any such business and to exercise any such authority and jurisdiction in respect of the same, as are now, or may be hereafter, done, transacted or exercised by a Judge of the said Court sitting in chambers.

Powers to the Referee in Chambers in Chancery.

**49.** It shall be the duty of the Clerk of the Crown of the Court of Common Pleas to procure from the judges of the superior courts the several precepts for the return of panels of grand and petit jurors from time to time required for the Courts of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery, and to transmit the same to the several sheriffs or other officers to whom the return of such precepts severally belong.

Clerk of Common Pleas to procure precepts for return of panels and transmit to proper officers.

**50.** When the day is not fixed by law, he shall procure the precepts as soon as conveniently may be after the commission or other day has been appointed upon which the jurors to be returned upon the precepts are to be summoned to attend; and when the day is fixed by law, then as soon as conveniently may be after the close of the last preceding sittings of the same courts.

Time for procuring precepts.

**51.** Certificates of chancery proceedings for registration may be signed by the registrar of the court, or by the Clerk of Records

Certificates in Chancery for registry. Who may sign.

Records and Writs, or by any other official authorized by the court to sign the same.

General rules  
in appeal.  
Who may  
make.

**52.** The general rules and orders, which the Judges of the Court are authorized by the sixty-fourth section of the Act respecting the Court of Error and Appeal to make, may be made by the Chief Justice and Justices of the said Court appointed under this Act, or a majority of the said Judges.

Power to make  
rules and  
orders as to  
prior sections.

**53.** The Courts of Queen's Bench and Common Pleas, or any four of the Judges of the said courts, of whom the Chief Justices shall be two, shall make all rules and orders necessary for carrying the foregoing provisions into effect, so far as regards proceedings in the said courts, and shall prescribe such forms as shall be necessary for that purpose; and the Court of Chancery shall make rules and orders and prescribe forms for carrying into effect such of the foregoing provisions as relate to that court.

County Court  
Judges may  
hold Court in  
any county,

**54.** Every Judge of a County Court, shall have jurisdiction to hold the County Court, or Court of General Sessions of the Peace or the County Judges Criminal Court in any county in the Province; and it shall be the duty of any County Court Judge to hold any such Court in any county, other than that of which he is the Judge, upon being required so to do by an order of the Lieutenant-Governor in Council; and any Judge, while holding such Court, shall have all the rights, powers, and privileges of the Judge of the County Court of the County.

order in Coun-  
cil not essen-  
tial.

**55.** Such Order in Council shall not be essential to give a County Court Judge jurisdiction to hold any such Court in a county other than that of which he is the Judge, but he may if he think fit hold any such County Court at the request of the Judge or one of the Judges of that County.

A Judge of  
Superior Court  
of law may  
order County  
Court cases to  
be tried at  
Assize.

**56.** A judge of either of the Superior Courts of law may, upon such terms as he may consider just, direct that the issues of fact and assessment of damages in any action pending in a county court may be tried and assessed at the sittings of Assize and Nisi Prius for any county, whether the venue is laid in such county or not.

Power to hold  
additional  
County Court  
sittings.

**57.** In addition to the regular sittings of the several County Courts now required by law, the judge of each county court may at such times as he shall appoint, hold additional sittings of such courts for the trial of issues of fact to be tried in such court by a judge without a jury; and he shall hold such sittings as often as may be requisite for the due despatch of business.

Powers of  
Junior or De-  
puty County  
Court Judge.

**58.** Whenever in this Act or in any statute now in force in Ontario, or which may be hereafter passed, any power or authority



rity is conferred upon the judge of a county court, the like power and authority shall be possessed and may be executed by a junior or a deputy judge.

**59.** Whenever from illness of the Judge of a County Court, or from other casualty, the judge is not able to hold the sittings of the County Court, or of the General Sessions of the Peace, at the time appointed therefor, the sheriff of the county, or in his absence his deputy may adjourn by his proclamation the said Courts or either of them to any hour on the following day, to be by him named, and so from day to day until the judge is able to hold such court, or until he receives other directions from the judge or Provincial Secretary. The sheriff shall forthwith notify any adjournment to the Provincial Secretary, for the information of the Lieutenant-Governor.

Adjourning  
County Courts  
or General  
Sessions owing  
to illness of  
Judge, &c.

Provincial  
Secretary to  
be notified.

**60.** Sections fifty-seven and fifty-eight of The Administration of Justice Act, 1873, shall be construed to extend to the judge of the district court of the District of Algoma, and the laws now in force or which may be hereafter passed with respect to Courts of General Sessions of the Peace in counties, and the powers of the justices thereat, or with respect to County Courts, or the power, authority or jurisdiction of the judges of such courts whether sitting in or out of court, and to the appointment and duties of local crown attorneys, clerks of the peace, sheriffs, coroners, clerks, constables and all other officers attached to such courts or employed in the administration of justice in connection therewith, shall, unless it be otherwise provided, or unless there be something in the context indicating a different intention, apply to the Provisional Judicial District of Algoma, and to every provisional judicial district which may be hereafter established.

Certain powers  
and provisions  
extended to  
Algoma and  
all future pro-  
visional judi-  
cial districts.

**61.** It shall not hereafter be necessary to issue precepts for the return of panels of grand or petit jurors for any sittings of the District Court of the District of Algoma, or of the General Sessions of the Peace for the said District, if it appear to the judge of the said district court that at such sittings there will be no business to be brought before such jurors.

Dispensation  
for issuing pre-  
cepts for re-  
turn of panels  
in Algoma.

**62.** When there appears to be need that precepts should issue for the return of panels of jurors aforesaid, it shall be the duty of the Clerk of the Peace of the said district, and the Clerk of the District Court, to inform the said judge thereof, in order that precepts may be issued for the return of jurors at the ensuing sittings of the court.

Clerk of the  
Peace and Dis-  
trict Court to  
inform the  
Judges of  
necessity for  
precept.

**63.** If such business arise so shortly before the sittings, that the jurors cannot reasonably be summoned in sufficient time to attend on the day appointed for the commencement of the sittings, the said judge may order that the jurors be summoned for

Case of jurors  
being required,  
and no oppor-  
tunity to sum-  
mon before the  
sittings.

a subsequent day, and the said court shall in such case commence their sittings upon the day by law appointed therefor, and shall dispose of such business as may be disposed of without a jury, and shall be thereafter adjourned to the day for, which the jurors are summoned as aforesaid. The said judge may make the order hereinbefore authorized, on the day upon which the sittings of the said court commence, or upon any earlier day.

Precepts when jurors required for District Court and Sessions.

**64.** In case jurors are required for either of the said courts, the necessary precepts shall be issued for both of the said courts.

Coroners, Justices and Constables in territorial districts, &c.

**65.** The Lieutenant-Governor may from time to time appoint coroners, justices of the peace or constables for any provisional judicial, temporary-judicial or territorial district, or for any portion of the territory of Ontario not attached to a county for ordinary municipal and judicial purposes.

Suspension from office of Constables for misconduct.

**66.** In case of any misconduct on the part of a constable appointed under the preceding section, the chairman of the Court of General Sessions of the Peace of the district, or the stipendiary magistrate, shall have authority to suspend from office indefinitely, or for any period the said chairman or magistrate may deem fitting.

Report of such suspension to Provincial Secretary.

**67.** The chairman of the sessions or stipendiary magistrate, upon any such constable being suspended, shall forthwith report the particulars thereof to the Provincial Secretary, in order that the Lieutenant-Governor may take such action as to the revocation of the suspension or the dismissal of such constable, or otherwise, as he may deem proper.

Justices of the Peace in portion of a county detached and formed into or annexed to a temporary judicial or territorial district.

**68.** In case any portion of a county has been or shall be hereafter detached from a county or provisional judicial or other district, and formed into or annexed to a temporary-judicial, or territorial district, the Justices of the Peace residing in the territory so detached, shall be Justices of the Peace for the temporary judicial, or territorial district in which they reside, at the time of the same being so detached, and shall not act out of sessions as Justices of the Peace for the county or provisional judicial district.

Reeves in provisional judicial districts, &c., to be justices of the peace.

**69.** The Reeves of each municipality within any provisional-judicial, temporary-judicial, or territorial district, shall *ex officio* be justices of the peace for the district in which their respective municipalities lie.

At general sessions of the peace, on appeal from a decision of a J. P., the original depositions to be

**70.** If upon the trial at the General Sessions of the Peace of an appeal from a decision of a Justice of the Peace upon any matter within the jurisdiction of the Legislature of Ontario, it be proved upon the oath or affirmation of any credible witness that a person whose deposition has been taken upon the original

original hearing, is dead or is so ill as not to be able to travel, or is absent from Ontario, or, if it is proved in like manner that after diligent enquiry such person cannot be found to be served with a subpoena, and if it be also proved that such deposition was taken in presence of the person accused, and that he, his counsel or attorney, had a full opportunity of cross-examining the witness, and, if the deposition purports to be signed by the Justice by or before whom the same purports to have been taken, it shall be read as evidence in the prosecution without further proof thereof, unless it be proved that the deposition was not in fact signed by the Justice purporting to have signed the same.

**71.** Every commission which has heretofore, or which may be hereafter, issued under the Great Seal of Ontario, or the Privy Seal of the Lieutenant-Governor, as the case may require, for the appointment of any Coroner, Justice of the Peace, or Commissioner for taking affidavits in and for the Courts in Ontario, shall be valid, although no Order in Council has been passed directing the issue thereof.

Appointments  
had of coron-  
ers, commis-  
sioners to take  
affidavits, and  
justices,  
made valid,  
though no or-  
der in Council.

**72.** In case a proper court-room, and other necessary accommodation for the holding of the division court are not furnished by the municipality in which the court is held, the judge may hold the court, in any suitable place in the division, or in any other division of the county in which suitable accommodation is provided; and the owner, lessee or tenant of the building in which the court is so held, shall for the use of the said building be entitled to receive from the municipality whose duty it was to provide proper accommodation for the court, the sum of five dollars for every day on which the court is held in said building.

If there be no  
proper court  
room, &c., the  
judge may  
hold court in  
any suitable  
place.  
Expenses for  
rent.

**73.** The Lieutenant-Governor in Council, may from time to time, fix the fees to be taken by constables for services rendered by such officers in the administration of criminal justice, or in any proceedings had before coroners or justices of the peace.

Fees to con-  
stables.

**74.** The selectors whose duty it is to make the selection of jurors from the assessment rolls shall make the distribution among the four divisions as nearly as may be in the following proportions relatively to the whole number of persons balloted, that is to say: one-eighth as nearly as may be under the division to serve as grand jurors in the superior courts; one-eighth as nearly as may be under the division to serve as grand jurors in the inferior courts; three-eighths as nearly as may be under the division to serve as petit jurors in the superior courts, and three-eighths as nearly as may be under the division to serve as petit jurors in the inferior courts.

Selectors of  
jurors from  
assessment  
rolls to make  
certain distri-  
bution of  
jurors.

**75.** The court of General Sessions of the Peace, upon the receipt of the jurors book shall proceed to determine the years during which search shall be made as to whether any juror whose

Court of Ses-  
sions of the  
Peace to de-  
termine years



for search for  
service as  
jurors.

whose name appears on such books has served, being at least the number of years for which such jurors are entitled to exemption.

Clerk of the  
Peace to ex-  
amine the  
jurors' book for  
such years, &c.

**76.** The clerk of the peace shall thereupon and before the selection hereinafter mentioned examine the jurors' books for the years so determined, and shall mark in the jurors' books from which the selection is to be made opposite the name of each juror therein having served during any of such years, the year and panel of such service.

Number to be  
selected from  
the rolls for a  
jury list except  
in York and  
Wentworth,

**77.** The number to be selected from the jurors rolls for a jury list according to the provisions of the fifty-third section of "The Upper Canada Jurors Act," shall, except in the County of York and in the County of Wentworth be as follows: from the roll of jurors to serve as grand jurors in the superior courts, forty-eight; from the roll of those to serve as grand jurors in the inferior courts, forty-eight; from the roll of those to serve as petit jurors in the superior courts, one hundred and forty-four; and from the roll of those to serve as petit jurors in the inferior courts, one hundred and forty-four,

number in  
York and  
Wentworth.

**78.** As respects the County of York, the numbers to be selected shall be as follows, from the first of such rolls, ninety-six, from the second of such rolls, ninety-six, from the third of such rolls, three hundred and eighty-four, and from the fourth of such rolls, two hundred and eighty-eight; and as respects the County of Wentworth, the numbers to be selected shall be as follows, from the first of such rolls, seventy-two, from the second of such rolls, seventy-two, from the third of such rolls, two hundred and sixteen, and from the fourth of such rolls, two hundred and sixteen.

Court of Ses-  
sions may  
adjourn for  
selections and  
selectors may  
attend.

**79.** The court of General Sessions may, if necessary, be adjourned from time to time for the selection of jurors, and the selectors shall attend for that purpose on the day or days appointed.

Selectors  
may select any  
jury list before  
previous ones  
transferred to  
juror's book.  
Fees to Clerk  
of Peace.

**80.** It shall be lawful for the selectors to select all or any of the Jury lists before the previous ones or all of them have been transferred to the jurors' book.

**81.** For examining and noting service of jurors under section seventy-six of this Act, the Clerk of the Peace shall be entitled to the sum of fifty cents per hundred names for each year for which such examination shall be made.

Shares of fees  
for jurors to be  
borne by  
counties, cities  
and towns.

**82.** In case the council of counties and of cities or separated towns do not agree as to the shares of the fees and disbursements for juries to be borne by the counties, cities and towns respectively, the same shall be determined by arbitration under

under the provisions of the Municipal Act of Ontario; and the portion to be borne by the city or town, shall be payable to the county immediately after the close of each year.

**83.** Upon the delivery of a writ of summons, or a writ in ejectment, or any copy of a bill or information in the Court of Chancery, at the office of any sheriff, to be served by him, he, his deputy or clerk, shall endorse thereon the time it was so delivered; and in case the writ, bill or information is not fully and completely served within ten days after such delivery, the plaintiff, his attorney or agent, shall be entitled to receive back the same; and the sheriff, deputy sheriff or clerk, shall endorse thereon the time of the delivery; and the costs of the mileage and service of the writ, bill or information by any literate person afterwards shall, in case the person to be served was at any time during such ten days within the county, be allowed in the taxation of costs, as if the service had been by the sheriff or his officer.

Endorsement  
of receipt of  
process, &c.;  
non-service,  
re-delivery to  
plaintiff, costs  
of service,

**84.** If the sheriff being applied to, neglect or refuse to return the writ, or copy of the bill or information, after the expiration of the ten days, the plaintiff may issue a duplicate or concurrent writ on the præcipe already filed, or may procure another copy of the bill or information, and the costs of the first or other writ or copy not returned may be charged against and recovered from the sheriff, by the plaintiff or his attorney.

failure by  
sheriff to re-  
deliver.

**85.** Before an action is commenced by a sheriff for the recovery of a bill of fees chargeable against an attorney or solicitor, and after the expiration of one month from the service of the bill, the sheriff may serve the attorney or solicitor with a notice of an application to the Court of Chancery returnable not earlier than eight days from the day of service, or for a rule or summons of either the Courts of Queen's Bench or Common Pleas, or any judge of a county court, returnable not earlier than eight days from the day of service, for payment of the amount of the bill; and the amounts claimed shall be stated in the notice, rule or summons.

Sheriffs before  
suit for fees  
may serve  
notice of appli-  
cation to the  
court for pay-  
ment,

**86.** On the return of the notice, rule or summons, the court or judge may, without a reference, direct the payment to the sheriff of the amount of his demand, or of any less amount, either without costs, or with costs to be fixed by an order or to be taxed; or the court or a judge may order the bill and the demand thereon to be taxed by the proper officer of any of the said courts, and may direct that the officer shall tax to the party entitled thereto his costs of the reference, and may also direct that the sheriff and the attorney or solicitor shall respectively pay what may be found due to the other upon the conclusion of the reference and taxation; and the court or judge making the reference shall restrain the bringing of any suit pending the reference;

power of the  
court or judge,  
and proceed-  
ings on return  
of the notice.

rence ; and in case the order of reference does not make provision in this behalf, the officer named in the order of reference may, in his discretion, having regard to the matters in dispute between the parties and occasioning the costs, tax the costs of the order and reference, or any portion thereof, in favour of either party, or may disallow any part thereof.

Execution for  
amount pay-  
able to the  
sheriff.

**87.** The party entitled to payment may, at the expiration of eight days from the date of the order or of the certificate of the taxing officer, as the case may be, sue out a writ or writs of execution for the amount ordered or certified to be payable to him.

Publication of  
legal adver-  
tisements.

**88.** All sheriff's advertisements, and other legal and official advertisements shall be published in such newspapers as the Lieutenant-Governor in Council from time to time directs ; but this enactment shall not be construed as authorising the transfer from the *Ontario Gazette* to any other newspaper of advertisements which are required by law to be published in the *Ontario Gazette*.

Superior courts  
may strike So-  
licitors off the  
Rolls.

**89.** Either of the superior courts of law, or the Court of Chancery, may strike the name of any attorney or solicitor off the roll of attorneys or solicitors of the court, for default by him in payment of moneys received by him as an attorney or solicitor.

In county and  
division courts  
no fees payable  
for benefit of  
the crown.

**90.** From and after the first day of July next, no fees or charges shall be payable for the benefit of the Crown upon any proceedings had in any county or division court, and so much of any Act or Acts as imposes any such fee is hereby repealed.

Fees of Divi-  
sion Court  
clerks and  
bailiffs.

**91.** The authority conferred by the Act passed in the thirty-second year of the reign of Her Majesty, and chaptered twenty-three, upon "The Board of County Judges," shall extend to the substitution of other fees to be paid to clerks and bailiffs of division courts in lieu of fees payable to them under any statute.

Fees now pay-  
able in Com-  
mon Law  
Chambers  
Practice Court,  
and Heir and  
Devisee Com-  
mission to be  
paid by stamps.

**92.** The like fees as are now payable in the superior courts of law to the clerk of judges' chambers at Osgoode Hall, to the clerk of the Practice Court, and to the clerk of the Heir and Devisee Commission respectively, in respect of proceedings had at chambers, in the Practice Court, or before the said Commission shall, subject to the provisions of section twenty-one of the Act of the Parliament of the Province of Canada passed in the Session held in the twenty-seventh and twenty-eighth years of the reign of Her Majesty, and chaptered five, shall be hereafter payable to the crown, and shall be paid in stamps to be affixed and cancelled under the said last mentioned Act, and the Acts amending the same ; and unless specially authorized, no person holding either of said offices, shall hereafter take for his own use and benefit, directly



or indirectly, any fee or emolument whatsoever, save the salary to which he may be entitled by law; and all the fees received for, or on account of the said offices, shall form part of the Consolidated Revenue Fund of this Province.

**93.** It shall be lawful for the Lieutenant-Governor in Council to direct payment to William B. Heward, Esquire, as the clerk in chambers, and Practice Court, and of the Heir and Devisee Commission, in lieu of the fees heretofore received by him for his own use, of an annual salary not greater than one thousand eight hundred dollars.

**94.** Where a pecuniary penalty or forfeiture is imposed by any Act of the Province of Canada, or of this Province, with reference to any matter within the jurisdiction of the Legislature of Ontario, and the amount of the penalty or forfeiture is in any respect in the discretion of the court or judge, or in case the court or judge has the right to impose imprisonment in addition, or in lieu of such penalty or forfeiture, and no other mode is by the Act expressly prescribed for the recovery of the penalty or forfeiture, the same may be recovered upon indictment in any court of Oyer and Terminer or General Sessions of the Peace.

**95.** No pecuniary penalty or forfeiture imposed by any Act of the Legislature of Ontario, shall be recoverable for any act of bribery or corrupt practice at an election, in case it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged shall have previously *bona fide* prosecuted such other person or persons or any of them for the said act; but this provision shall not apply in case the judge before whom the person claiming the benefit thereof is charged, shall certify that it clearly appears to him that the person so charged took the first step towards the commission of the offence charged, and that such person was in fact the principal offender.

**96.** The Acts and part of Acts mentioned in schedule A, hereto annexed, to the extent shown in the third column of the said schedule, and also all other Acts or parts of Acts inconsistent with this Act are hereby repealed.

**97.** This Act shall take effect on the first day of July next, except as to the first sixteen sections and to the sections numbered from twenty-three to twenty-seven both inclusive, which said excepted sections are to go into effect forthwith.

**98.** This Act may be cited as "The Administration of Justice Act, 1874."

## SCHEDULE

## SCHEDULE A.

*Showing Acts or parts of Acts repealed.*

REFERENCE TO ACT.	TITLE OF ACT.	EXTENT OF REPEAL.
C. S. U. C., Cap. 11.	An Act respecting Courts of Oyer and Terminer and General Gaol Delivery, and of Assize and Nisi Prius.	Sections thirteen, fourteen and fifteen.
C. S. U. C., Cap. 12.	An Act respecting the Court of Chancery.	So much of section twenty-three as authorises the Court of Chancery to appoint the periods at which Circuit sittings of the Court of Chancery shall be held.
C. S. U. C., Cap. 13.	An Act respecting the Court of Error and Appeal.	Sections three, four and six, and the words "at least two months," in the fifth line of section fifty-two.
C. S. U. C., Cap. 22.	The Common Law Procedure Act.	Section eighteen.
C. S. U. C., Cap. 31.	The Upper Canada Jurors' Act.	Sections twenty-three, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, section fifty-two, from the commencement thereof down to and including the word "then," in the fifth line of such section, sub-sections two and three of section fifty-three, the first four lines of sub-section four of section fifty-three; sub-sections two and three of section one hundred and fifty-five, and section one hundred and fifty-six.
24 Vic., Cap. 36.	An Act to amend the thirteenth chapter of the Consolidated Statutes for Upper Canada, respecting the Court of Error and Appeal.	The whole.
29-30 Vic., Cap. 40.	An Act to amend an Act respecting the Superior Courts of Civil and Criminal Jurisdiction in Upper Canada.	So much of section three as authorizes the Chief Justices and Judges of the Superior Courts of Common Law to name the days upon which Courts of Assize and Nisi Prius, and of Oyer and Terminer, and General Gaol Delivery shall be held.
32 Vic., Cap. 6.	The Law Reform Act of 1868.	So much of section seventeen as authorizes the trial at sittings of Assize and Nisi Prius, of issues of fact or assessment of damages in County Court causes without a judge's order.
32 Vic., Cap. 24.	An Act respecting the Court of Error and Appeal, in the Province of Ontario.	Section six, also so much of section four as fixes the terms for holding the sittings of the Court.
36 Vic., Cap. 8.	The Administration of Justice Act, 1873.	Section forty-six.

## CAP. VIII.

## An Act to amend the Law respecting Escheats and Forfeitures.

[Assented to 24th March, 1874.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Wherever any lands, tenements or hereditaments situate in this Province have escheated to the Crown by reason of the person last seized thereof, or entitled thereto, having died intestate, and without lawful heirs, or have become forfeited, whether for treason or felony, or for any other cause, the Attorney-General may cause possession of such lands, tenements or hereditaments to be taken in the name of the Crown; or in case possession is withheld, he may cause an action of ejectment to be brought for the recovery thereof, without any inquisition being first necessary.

Attorney-General may take possession of, or bring ejectment for, escheated or forfeited lands without inquest of office.

2. The proceedings in such action of ejectment may be in all respects similar to those in other actions of ejectment.

Proceedings.

3. It shall be lawful for the Lieutenant-Governor in Council to make any grant of lands, tenements or hereditaments, which have so escheated or become forfeited, or shall hereafter have so escheated or become forfeited, or of any portion thereof or of any interest therein, to any person, for the purpose of transferring or restoring the same to any one or more of the family of, or to any person or persons having a legal or moral claim upon the person to whom the same had belonged, or of carrying into effect any disposition thereof which such person may have contemplated, or of rewarding any person making discovery of the escheat or forfeiture, as to the Lieutenant-Governor in Council shall seem fit.

Lieutenant-Governor may grant escheated or forfeited lands,

4. Any such grant may be made without actual entry or inquisition being first necessary, and although such lands, tenements or hereditaments shall not be in the actual possession of the Crown, and notwithstanding that some person may claim title thereto adversely to the person whose estates the same had been; and in case possession of the said lands, tenements, or hereditaments is withheld, the person to whom such grant is made shall thereupon be entitled to institute in any Court of competent jurisdiction proceedings for the recovery of said lands, tenements or hereditaments.

without entry or inquest of office being first found and notwithstanding adverse claim.

5. It shall be lawful for the Lieutenant-Governor in Council to make any assignment of personal property to which the Crown

Lieutenant-Governor may assign person-Crown



alty escheated  
or forfeited.

Crown is entitled by reason of the person last entitled thereto having died intestate, and without leaving any kin or other persons entitled to succeed thereto, or by reason of the same having become forfeited to the Crown; or to make an assignment of any portion of such personal property, for the purpose of transferring or restoring the same to any one or more of the family of, or to any person or persons having a legal or moral claim upon, the person to whom the same had belonged, or for carrying into effect any disposition thereof which such person may have contemplated, or of rewarding any person making discovery of the escheat or forfeiture, as to the Lieutenant-Governor in Council shall seem fit.

Lieutenant  
Governor may  
release for-  
feited property  
or waive the  
forfeiture.

6. Wherever any lands, tenements or hereditaments, or any personal property, or interest therein, shall have become forfeited as aforesaid, it shall be lawful for the Lieutenant-Governor in Council to waive or release any right which the Crown may thereby have become entitled to, so as by such waiver or release to vest the property, either absolutely or otherwise, in the persons who would have been entitled thereto but for such forfeiture; and such waiver or release may be either for valuable consideration or otherwise, and may be upon such terms and conditions as to the Lieutenant-Governor in Council shall seem fit.

## CAP. IX.

### An Act to provide for allowances to Trustees Executors and Administrators.

[Assented to 24th March, 1874.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts the following :

Construction  
of the word  
trustee.

1. The term trustee shall include any trustee under a deed settlement, or will, and executors and administrators, and any guardian appointed by any court, and a testamentary guardian or any other trustee, howsoever the trust is created.

Allowance to  
trustees.

2. A trustee shall be entitled to such fair and reasonable allowance for his care, pains, and trouble, and his time expended in and about the trust estate as may be allowed by the Court of Chancery, or a judge or master thereof, to whom the same may be referred.

Allowance  
may be made  
in chancery  
though the es-

3. It shall be lawful for a judge of the Court of Chancery on application to him for that purpose, to settle the amount of such

such compensation, although the trust estate is not before the court in any suit. tate not before the court.

4. Nothing in this Act shall apply to any case in which the rate of allowance is fixed by the instrument creating the trust. Allowance fixed by the instrument.

5. This Act shall include any trust heretofore created, as well as any to be hereafter created. Act to apply to existing as well as future trusts.

## CAP. X.

An Act to amend the law of Landlord and Tenant, and to provide for Apportionment of Rent.

[Assented to 24th March, 1874.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. From and after the passing of this Act, all rents, annuities, dividends, and other periodical payments in the nature of income (whether reserved or made payable under an instrument in writing or otherwise), shall, like interest on money lent, be considered as accruing from day to day, and shall be apportionable in respect of time accordingly. Rents, &c., to accrue from day to day, and be apportionable in respect of time.

2. The apportioned part of any such rent, annuity, dividend, or other payment shall be payable or recoverable in the case of a continuing rent, annuity, or other such payment when the entire portion, of which such apportioned part shall form part, shall become due and payable, and not before; and in the case of a rent, annuity, or other such payment determined by re-entry, death, or otherwise when the next entire portion of the same would have been payable if the same had not so determined, and not before. Apportioned part of rent, &c., to be payable when the next entire portion shall have become due.

3. All persons and their respective heirs, executors, administrators and assigns, and also the executors, administrators and assigns, respectively, of persons whose interests determine with their own deaths, shall have such or the same remedies at law and in equity for recovering such apportioned parts as aforesaid, when payable (allowing proportionate parts of all just allowances) as they respectively would have had for recovering such entire portions as aforesaid, if entitled thereto respectively; Provided that persons liable to pay rents reserved out of or charged on lands or other hereditaments of any tenure, and the same lands or other hereditaments, shall not be resorted to for any Persons shall have the same remedies for recovering apportioned parts as for entire portions. Proviso as to rents reserved in certain cases.

any such apportioned part forming part of an entire or continuing rent as aforesaid specifically, but the entire or continuing rent, including such apportioned part, shall be recovered and received by the heir or other person, who, if the rent had not been apportionable under this Act, or otherwise, would have been entitled to such entire or continuing rent, and such apportioned part shall be recoverable from such heir or other person by the executors or other parties entitled under this Act to the same by action at law or suit in equity.

Interpretation  
of terms.

4. In the construction of this Act, the word "rents" includes rent-service, rent-charge, and rent-seck, and all periodical payments or renderings in lieu of or in the nature of rent: the word "annuities" includes salaries and pensions: the word "dividends" includes (besides dividends strictly so called) all payments made by the name of dividend, bonus or otherwise out of the revenue of trading or other public companies, divisible between all or any of the members of such respective companies, whether such payments shall be usually made or declared at any fixed times or otherwise; and all such divisible revenue shall, for the purposes of this Act, be deemed to have accrued by equal daily increment, during and within the period for, or in respect of which the payment of the same revenue shall be declared or expressed to be made, but the said word "dividend" does not include payments in the nature of a return or reimbursement of capital.

Act not to ap-  
ply to policies  
of assurance.

5. Nothing in this Act contained, shall render apportionable any annual sums made payable in policies of assurance of any description.

Nor where sti-  
pulation made  
to the contrary.

6. The provisions of this Act shall not extend to any case in which it is, or shall be, expressly stipulated that no apportionment shall take place.

## CAP. XI.

An Act to amend the Law respecting the rights and liabilities of Innkeepers.

[Assented to 24th March, 1874.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Lien on bag-  
gage, etc., for,  
accommoda-

1. Every innkeeper, boarding house keeper and lodging housekeeper shall have a lien on the baggage and property of his



his guest, boarder, or lodger, for the value or price of any food or accommodation furnished to such guest, boarder, or lodger, and in addition to all other remedies provided by law, shall have the right in case the same shall remain unpaid for three months, to sell by public auction the baggage and property of such guest, boarder, or lodger, on giving one week's notice by advertisement in a newspaper published in the municipality in which such inn, boarding-house, or lodging-house is situate, or in case there shall be no newspaper published in such municipality, in a newspaper published nearest to such inn, boarding house, or lodging house, of such intended sale, stating the name of the guest, boarder, or lodger, the amount of his indebtedness, a description of the baggage or other property to be sold, the time and place of sale, and the name of the auctioneer; and after such sale such innkeeper, boarding-house-keeper, or lodging-house keeper may apply the proceeds of such sale in payment of the amount due to him, and the costs of such advertising and sale, and shall pay over the surplus (if any) to the person entitled thereto on application being made by him therefor.

tion etc., furnished, and power to sell.

**2.** No innkeeper shall, after the passing of this Act, be liable to make good to any guest of such innkeeper, any loss of, or injury to goods or property brought to his inn, not being a horse or other live animal, or any gear appertaining thereto, or any carriage, to a greater amount than the sum of forty dollars, except in the following cases, (that is to say:)

Innkeeper not liable for loss of goods and property of guest beyond \$40, in certain cases.

(1.) Where such goods or property shall have been stolen, lost, or injured through the wilful act, default, or neglect of such innkeeper, or any servant in his employ;

(2.) Where such goods or property shall have been deposited expressly for safe custody with such innkeeper;

Provided always, that, in case of such deposit, it shall be lawful for such innkeeper if he think fit, to require as a condition of his liability, that such goods or property shall be deposited in a box or other receptacle, fastened and sealed by the person depositing the same.

**3.** If any innkeeper shall refuse to receive for safe custody, as before mentioned, any goods or property of his guest, or if any such guest shall, through any default of such innkeeper, be unable to deposit such goods or property, as aforesaid, said innkeeper shall not be entitled to the benefit of this Act, in respect of such goods or property.

Liability for refusal to take charge of goods.

**4.** Every innkeeper shall cause to be kept conspicuously posted in the office, and public rooms, and in every bedroom in his inn, a copy of the second section of this Act, printed in plain type; and he shall be entitled to the benefit of the said section in respect of such goods or property only as shall be brought to his inn while such copy shall be so posted.

Notice of law, etc., to be conspicuously exhibit.

Interpretation  
of "inn" and  
"innkeeper."

5. In the construction of this Act the word "inn" includes an hotel, inn, tavern, public-house, or other place of refreshment, the keeper of which is now by law responsible for the goods and property of his guests, and the word "innkeeper" means the keeper of any such place.

## CAP. XII.

An Act to require the owners of Thrashing and other Machines to guard against accidents.

[Assented to 24th March, 1874.]

Preamble.

WHEREAS numerous accidents occur from the use of uncovered tumbling rods and knuckles or joints of tumbling rods of thrashing and other machines :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Certain machines to be so protected as to prevent injury to persons near them.

1. All persons in the Province of Ontario owning or running any thrashing machine, wood-sawing or other machine, which is connected to a horse-power by means of a tumbling rod or line of shafting shall cause each of the knuckles, couplings or joints, and jacks of such tumbling rod or line of shafting to be safely boxed or secured while running, with wood, leather or metal covering in such manner as to prevent injury to persons passing over or near such tumbling rod, and the knuckles, couplings or joints and jacks thereof; and shall cause all oiling cups attached to arbors or journals to which driving belts are attached, to be furnished with tubes of tin or other material, which shall extend above the belts, in such manner as shall prevent damage from oiling when the machine is in motion; and shall further cause a driver's platform to be placed on any horse-power, used for driving machinery of such size as to cover the gearing constituting said horse power, and in such manner as to prevent accident arising to any person from contact with said gearing.

Penalty for non-compliance with provisions of this Act.

2. Any person or persons owning or running any thrashing, wood sawing or other machine, connected to a horse power by means of a tumbling rod or line of shafting, who shall neglect or refuse to comply with the provisions of this Act, shall, on summary conviction, on information or complaint before one or more justices of the peace, be liable to a fine of not less than one dollar nor more than twenty dollars, over and above the costs of prosecution, and in default of payment of such fine and costs, the offender shall be imprisoned in the nearest common gaol for

a period of not less than two nor more than twenty days, at the discretion of such justice or justices of the peace.

3. No action shall be maintained, nor shall any legal liability exist for services rendered by or with any machine, as mentioned in the first section of this Act, when it shall be made to appear that such first section of this Act has not been complied with.

No action for services rendered if provisions of this Act are not complied with.

4. All fines imposed and collected under this Act shall be paid, one half to the complainant or prosecutor, and the other half to the treasurer of the school section in which the offence was committed, for the use of the public school in such section; and all proceedings against any person for any violation of the first section of this Act, shall be commenced within thirty days of the commission of the offence.

Disposition of fines.

Proceedings to commence within thirty days.

5. No conviction under this Act shall be annulled or vacated for any defect in the form thereof, or for any omission or informality in any summons or other proceeding under this Act, so long as no substantial injustice results therefrom; and all convictions or orders under this Act shall be appealable under the provisions of the Act of the Parliament of Canada, passed in the thirty-third year of Her Majesty's reign, and chaptered twenty-seven.

Convictions defective in form.

Appeal from convictions.

6. This Act shall come into force on the first day of September next after the passage thereof.

Act to take effect from 1st Sept. next.

## CAP. XIII.

An Act to amend the law relating to the Attachment of Debts as respects the Wages and Salaries of Mechanics and Others.

[Assented to 24th March, 1874.]

HER Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. No debt due or accruing to a mechanic, workman, labourer, servant, clerk, or employee for, or in respect of, his wages or salary, shall after the first day of October next, be liable to seizure or attachment, under the provisions of the Common Law Procedure Act, or of the Act passed in the thirty-second year of Her Majesty's Reign, intituled "An Act to amend the Acts respecting Division Courts," or under the provisions of any other Act relating to the attachment or garnishment of debts, unless such debt

Debts due to mechanics, &c. for wages, not to be attached, except to excess over \$25.



debt shall exceed the sum of twenty-five dollars, and then only to the extent of such excess.

Saving clause  
as to debts  
created before  
1st Oct. next.

2. Nothing in this Act contained shall affect or impair the right or remedies of any creditor whose debt has been heretofore contracted or shall be contracted before the said first day of October next.

Inconsistent  
Acts repealed.

3. All Acts inconsistent with this Act are hereby repealed.

## CAP. XIV.

An Act to declare of what lunatics the Inspector of Public Asylums is the Committee.

[Assented to 24th March, 1874.]

Preamble.

WHEREAS there are doubts as to the true construction of section fifteen of an Act passed in the thirty-fourth year of Her Majesty's reign, intituled "An Act respecting Asylums for the Insane," and it is expedient to remove such doubts:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Lunatics of  
which the  
inspector is  
the committee.

1. The said section shall be construed to constitute the Inspector of Public Asylums, and his successors in office, *ex-officio*, and by his name of office as "Inspector of Public Asylums," to be the committee of every lunatic who has no other committee, and who is detained in any Public Asylum mentioned in the first section of the said Act, and whether such lunatic is detained under any order from the Lieutenant-Governor or otherwise; and also to constitute the said Inspector and his successors in office, in manner aforesaid, the committee of any lunatic in the Rockwood Asylum at Kingston, who has no committee, and who is detained under an order from the Lieutenant-Governor: Provided that notwithstanding anything in this section contained, the Court of Chancery may, at any time appoint a committee of any such lunatic.

## CAP. XV.

An Act to make valid certain sales of land for Taxes, in junior counties, and in towns not separated from counties.

[Assented to 24th March, 1874.]

**W**HEREAS in various towns not separated from the jurisdiction of the counties in which they are situated, proceedings have been taken for the collection of taxes under the provisions of the "Assessment Act of Upper Canada," instead of under "The Assessment Act of 1869," and in consequence thereof, sales of lands for arrears of taxes have been made by the treasurers of the counties instead of by the treasurers of the towns: And whereas after the separation of counties previously united, proceedings in respect of arrears of taxes due upon lands in the former junior county have, in various cases, been taken in the senior county, and sales have been made, by the officers of the senior county; And whereas by reason of the irregularities aforesaid, the validity of the said sales may be questioned; and it is expedient to make valid the said sales and other proceedings to the extent hereinafter declared:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Where any land situate in a town not withdrawn from the county in which it is situated, has been heretofore sold for arrears of taxes, and a deed therefor has been, or shall be hereafter, executed by the treasurer and warden of the county in which the town is situated; or where any land situate in a junior county has been heretofore sold for arrears of taxes at a sale conducted in the senior county, after the separation of such counties, and a deed therefor has been, or shall be hereafter, executed by the warden and treasurer of the senior county, every deed so executed shall be, to all intents and purposes, valid and binding, except as against the Crown, if the same has not been questioned before some Court of competent jurisdiction by some person interested in the land so sold, within two years after the passing of this Act.

Conveyances on sales for taxes in towns not separated, and in junior counties, made valid in certain cases.

2. Where a sale has been made under the circumstances in the first section of this Act set forth, and a deed to the purchaser has not been executed, and if within one year from the day of the sale, exclusive of that day, the owner or some other person has not redeemed the land by paying or tendering to the treasurer of the county for the use and benefit of the purchaser or his legal representatives the sum paid by him, together with ten per centum thereon, then in such case on the demand of the

Certain sales made valid where no conveyance made unless land redeemed.

the purchaser, or his assigns, or other legal representative at any time afterwards, and on payment of one dollar, the treasurer of the county in which the sale took place shall prepare, and with the warden of such county execute and deliver to him or them a deed in duplicate of the land so sold.

Past and pending actions provided for,

This Act not to aid the Assessment Act of 1869.

3. Nothing herein contained shall affect any action or suit heretofore brought in any court of law or equity, or make valid any deed, the validity of which is or has been questioned in any such action or suit; or aid in the construction of the said Assessment Act of 1869 in any question arising in any such action or suit.

33 V., c. 23, ss. 9, 10, 11, 13, to apply to the sales named in this Act.

4. The provisions of sections nine, ten, eleven and thirteen of the Act passed in the thirty-third year of the reign of Her Majesty, and chaptered twenty-three, shall apply to the sales hereinbefore mentioned, as if such sales had been among those enumerated in the said ninth section.

## CAP. XVI.

An Act to amend an Act respecting Municipal Institutions in the Province of Ontario.

[Assented to 24th March, 1874.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

36 Vic., c. 48, s. 10.

Liability of territory detached from one county and annexed to another.

1. In case any locality is, under the tenth section of the Act respecting Municipal Institutions in the Province of Ontario, passed in the thirty-sixth year of Her Majesty's reign, and chaptered forty-eight, detached from one county and annexed to another, the council of the county to which the locality is annexed, and the council of the village shall agree with the council of the county from which such locality is detached, as to the amount (if any) of the county liabilities which should be borne by the locality so detached, and the times of payment thereof; and if the councils do not agree within three months of the separation in respect of the said matter, the same shall be determined by arbitration under the said Act; and the amount (if any) so agreed or determined shall become a debt of the county to which the locality is attached, and such locality shall until the said amount has been paid by the proceeds of such rates, continue subject to all rates which had been, prior to the separation, imposed for the payment of county debts or for the payment of bonuses or aids, granted by sections of the county



county to railways, or for the payment of local improvement debts; and the council of the county or of the village, as the case may require, shall pass such by-laws, and take such proceedings as may be necessary for levying the said rates; and shall unless such council has previously paid the amount to the municipality so liable pay over the same when collected to the municipality which is liable for the debt, on account of which the rates were imposed: Provided also, that this section shall apply to any territory which may be detached from one county and annexed to another, during the present session of the Legislature of Ontario, whether by Act of the Legislature or otherwise: and Provided further, that in cases where the said councils do not agree as aforesaid, the Governor in Council may before proclamation has been made, and upon the petition of a majority of the resident freeholders and householders of the said village, and with the assent of at least two of the councils of the townships in which the said village is situate, annul the incorporation of the said village, and restore the same to its former position, as an unincorporated village, and the same shall thereupon be reinstated to its former position to the same extent as if no proceedings for incorporation had ever been taken.

2. Section one hundred of the said Act is hereby repealed, and the following is substituted in lieu thereof: Sec. 100, repealed.

100. The oaths or affirmations to be required of any person claiming to vote otherwise than in respect of a freehold, shall be as follows, or to such effect:—That he is of the full age of twenty-one years; and is a natural born or naturalized subject of Her Majesty; that he has not voted before at the election in the township, village or ward, *(as the case may be)*, in which he is tendering his vote; and *(if tendering his vote for mayor, reeve, or deputy-reeve,)* that he has not voted before or elsewhere in the municipality, for the election of mayor, reeve, or deputy-reeve; *(as the case may be;)* that he has not, directly or indirectly, received any reward or gift, nor does he expect to receive any, for the vote which he tenders at the election; that he has been resident within the municipality for which the election is held for one month next before the election; and that he is, *(or his wife is,)* a householder or tenant within such municipality; and that he is the person named or purporting to be named on the list of the electors; and that at the time of the last final revision and correction of the assessment roll upon which the list is based, he was actually, truly, and in good faith, possessed to his own use and benefit, as tenant or occupant, of the real estate in respect of which his name is entered on the said list; *(or in the case of a new municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the election, and referring to the list of electors, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote; and that he is a resident of such municipality.)* Oaths of voters.

3.

Sec. 104, repealed.

Nomination meetings.

**3.** Section one hundred and four of the said Act is hereby repealed, and the following substituted in lieu thereof:

104. A meeting of the electors shall take place for the nomination of candidates for the offices of aldermen in cities, councillors in towns, and of reeves, deputy reeves, and councillors in townships not divided into wards, and incorporated villages, at noon, on the last Monday in December, annually, at such place therein, and in cities and towns, at such places in each ward thereof, as shall from time to time be fixed by by-law, and the deputy-reeves shall be designated as first, second, third or fourth, according to the number to be elected; provided that in townships divided into wards, the nomination of candidates for the office of reeve, shall be held at ten of the clock in the forenoon, at such place in such township as shall from time to time be fixed by by-law; and the clerk shall preside at the meeting for the nomination of candidates for the office of reeve; and that the nomination of candidates for the office of councillor, to be elected in each ward, shall take place at noon, at such place in the township or in each ward as shall be fixed by by-law.

Sec. 107, repealed.

Places for holding elections.

**4.** Section one hundred and seven of the said Act is hereby repealed, and the following substituted in lieu thereof:

107. The council shall by by-law, fix the places for holding the election, and also name the returning officers who shall respectively hold the nomination for each ward, and those who shall preside at the respective polling places.

*Quo warranto* proceedings on omitting to vacate seat.

**5.** In the event of any member of any municipal council forfeiting his seat at the council or his right thereto, or of his becoming disqualified to hold his seat, or of his seat becoming vacant by disqualification or otherwise, he shall forthwith vacate his seat, and in the event of his omitting to do so at any time after his election, proceedings by *quo warranto* to unseat any such member as provided by the said Municipal Act for the trial of controverted elections sections one hundred and thirty-one to one hundred and fifty-two, both inclusive, may be had and taken, and such sections shall, for the purpose of such proceedings, apply to any such forfeiture, disqualification, or vacancy.

Sec. 231, sub-sec. 2, repealed.

**6.** Sub-section two of section two hundred and thirty-one of the said Act, is hereby repealed, and the following substituted in lieu thereof, and shall be read as sub-section two of section two hundred and thirty-one of said Act:

By-law requiring assent of electors to be published.

(2.) The Council shall, before the final passing of the proposed by-law, publish a copy thereof in some public newspaper published within the municipality, or, if there is no such newspaper, in some public newspaper published nearest the municipality, or in the county town, the publication to be continued in at least one number of such paper each week for three successive weeks, and shall also put up a copy of the by-law at four or more of the most public places in the municipality.

7. Section two hundred and thirty-seven of the said Act is hereby repealed, and the following substituted in lieu thereof: Sec. 237 repealed.

237. Every promulgation of a by-law shall consist in the publication, through the public press, of a true copy of the by-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the courts to quash the same or any part thereof; and the publication aforesaid shall be in a public newspaper published within the municipality, or, if there be no such newspaper, then in the public newspaper published nearest the municipality, or in the county town; and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper each week for three successive weeks. Promulgation of by-laws.

8. Section two hundred and fifty-two of the said Act is hereby repealed, and the following substituted in lieu thereof: Sec. 252 repealed.

252. No such by-law of a County Council for contracting any such debt or loan for an amount not exceeding in any one year twenty thousand dollars, over and above the sums required for its ordinary expenditure, shall be valid, unless the same is passed at a meeting of the Council specially called for the purpose of considering the same, and held not less than three months after a copy of such by-law, as the same is ultimately passed, together with a notice of the day appointed for such meeting, has been published in some newspaper issued weekly or oftener within the county, or if there be no such public newspaper, then in a public newspaper published nearest to the county, which said notice may be to the effect following:— Certain by-laws of Co. Council not to be valid, unless passed at meeting specially called and held three months after notice, &c.

The above is a true copy of a proposed by-law to be taken into consideration by the municipality of the county, (or united counties) of \_\_\_\_\_ at \_\_\_\_\_ in the said county, (or united counties), on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, at the hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, at which time and place the members of the council are hereby required to attend for the purpose aforesaid. Form of notice.

G. H.  
Clerk.

9. Section three hundred and thirty-one of the said Act is hereby repealed, and the following substituted in lieu thereof: Sec. 331, repealed.

331. Every other town may, if the Governor in Council sees fit to make such an appointment, have a police magistrate; but no such appointment shall in the first instance be made for a town not having more than five thousand inhabitants, until two-thirds of the members of the council, do in council, pass a resolution affirming the expediency thereof; and the said council may by such resolution, fix the salary to be paid to such police magistrate: Provided always that every police magistrate appointed before the passing of this Act in a town with a less population than five thousand, shall not be affected by this section. Police magistrates in towns.



Sec. 333 repealed.

Board of Commissioners of Police in cities and towns, of whom composed.

Powers as to witnesses.

**10.** Section three hundred and thirty-three of the said Act is hereby repealed, and the following substituted in lieu thereof:

**333.** In every city there is hereby constituted a board of commissioners of police, and in every town having a police magistrate, the Council may constitute a like board; and such board shall consist of the mayor, the judge of the county court of the county in which the city or town is situate, and the police magistrate; and in case the office of county judge or that of police magistrate be vacant, the council of the city shall, and the council of the town may, appoint a person resident therein to be a member of the board, or two persons so resident to be members thereof, as the case may require, during such vacancy; and such commissioners shall have power to summon and examine witnesses on oath in all matters connected with the administration of their duties: Provided always that the Council of any such town may at any time, by by-law, dissolve and put an end to the board, and thereafter the Council shall have and exercise all powers and duties previously had or exercised by the board.

Sec. 339 repealed.

Police force in cities and towns.

**11.** Section three hundred and thirty-nine of the said Act is hereby repealed, and the following substituted in lieu thereof:

**339.** The police force in cities and towns having a board of commissioners of police, shall consist of a chief constable and as many constables and other officers and assistants as the Council from time to time deem necessary, but in cities, not less in number than the board reports to be absolutely required.

Sec. 344 repealed.

Constable in towns and villages.

**12.** Section three hundred and forty-four of the said Act is hereby repealed, and the following substituted in lieu thereof:

**344.** The Council of every town not having a board of commissioners of police shall, and the Council of every incorporated village may, appoint one chief constable, and one or more constables for the municipality; and the persons so appointed shall hold office during the pleasure of the Council.

Dissolution of present Boards of Police Commissioners in towns.

**13.** Wherever in any town there is now a board of commissioners of police constituted under said Act, the Council of said town may by by-law dissolve and put an end to said board, and thereafter the Council shall have and exercise all powers and duties which might, under said Act, have been had or exercised by said board; and unless and until so dissolved and put an end to, the said board shall have and exercise all the powers and duties which, but for the passing of this Act, would have been exercised or had by said board.

Sec. 372, sub-sec. 6, repealed.

**14.** Sub-section six of section three hundred and seventy-two of the said Act is hereby repealed, and the following substituted in lieu thereof:

(6.) For taking stock in or lending money, or granting bonuses to any incorporated company, in respect of any road, bridge, or harbour, within or near the municipality, under and subject to the respective statutes in that behalf.

Aid for roads, bridges and harbors.

**15.** Sub-section fifteen of section three hundred and seventy-nine of said Act is hereby repealed, and the following substituted in lieu thereof:

Sec. 379, sub-sec. 15, repealed.

(15.) For preventing the growth of Canada thistles and other weeds detrimental to husbandry, and compelling the destruction thereof; for the appointment of an inspector with power to enforce the provisions of such by-law, for regulating his duties, and for determining the amount of remuneration, fees, or charges he is to receive for the performance of such duties.

Prevention of growth of thistles and weeds.

**16.** Sub-sections twenty-six, twenty-seven, twenty-eight, twenty-nine, and thirty of section three hundred and seventy-nine of the said Act are hereby repealed, and section three hundred and seventy-two of the said Act is hereby amended, by adding thereto the following sub-sections:

Sec. 379, sub-ss 26, 27, 28, 29 and 30 repealed.

Sec. 372, amended.

(20.) For appointing inspectors to regulate weights and measures according to the lawful standard;

Weights and measures.

(21.) For visiting all places wherein weights and measures, steel yards, or weighing machines of any description are used;

(22.) For seizing and destroying such as are not according to the standard;

(23.) For imposing and collecting penalties upon persons who are found in possession of unstamped or unjust weights, measures, steel yards, or other weighing machines;

(24.) For seizing and forfeiting bread or other articles when of light weight or short measurement.

**17.** Section four hundred and ten of the said Act is hereby repealed, and the following substituted in lieu thereof:

Sec. 410 repealed.

**410.** The County Council shall have exclusive jurisdiction over all roads and bridges lying within any town or village of the county, and which the Council by by-law assumes with the assent of such town, or village municipality as a county road, or bridge, until the by-law has been repealed by the Council, and over all bridges across streams separating two townships in the county, and over all bridges crossing streams or rivers over one hundred feet in width, within the limits of any incorporated village in the county, and connecting any highway leading through the county, and over every road or bridge dividing different townships, although such road or bridge may so deviate as in some places to lie wholly, or in part, within one township.

Jurisdiction of County Councils over roads and bridges.

**18.** Section four hundred and twelve of the said Act is hereby repealed, and the following substituted in lieu thereof:

Sec. 412 repealed.

**412.** When a county council assumes by by-law, any road or bridge, within a township as a county road or bridge, the council shall, with as little delay as reasonably may be, and at the expense

Roads or bridges assumed by county councils.

Maintenance  
of certain  
bridges in  
villages.

pense of the county, cause the road to be planked, gravelled, or macadamized, or the bridge to be built in a good and substantial manner; and further, the county council shall cause to be built and maintained in like manner, all bridges on any river or stream over one hundred feet in width, within the limits of any incorporated village in the county, necessary to connect any public highway leading through the county.

Sec. 413, re-  
pealed.  
Bridges be-  
tween muni-  
cipalities.

**19.** Section four hundred and thirteen of the said Act is hereby repealed, and the following substituted in lieu thereof:

**413.** It shall be the duty of county councils to erect and maintain bridges over rivers, forming or crossing boundary lines between two municipalities (other than in the case of a city or separated town) within the county; and in case of a bridge over a river forming or crossing a boundary line between two counties, or a county and a city, such bridge shall be erected and maintained by the councils of the counties or county and city respectively; and in case the councils of such county and city, or the councils of such counties fail to agree on the respective portions of the expense to be borne by the several municipalities, it shall be the duty of each council to appoint arbitrators, as provided by this Act, to determine the amount to be so expended, and such award as may be made shall be final.

Sec. 463, re-  
pealed.  
Drains into  
adjoining lots  
or across high-  
ways.

**20.** Section four hundred and sixty-three of the said Act is hereby repealed, and the following substituted in lieu thereof:

**463.** In case any person should find it necessary to continue an under-drain into an adjoining lot or lots, or across or along any public highway, for the purpose of an outlet thereto, and in case the owner of such adjoining lot or lots, or the council of the municipality, refuse to continue such drain to an outlet, or to join in the cost of the continuation of such drain, then the firstly mentioned person shall be at liberty to continue his said drain to an outlet through such adjoining lot or lots, or across or along such highway; and in case of any dispute as to the proportion of cost to be borne by the owner of any adjoining lot or municipality, the same shall be determined by the fence-viewers in the same manner as disputes within the Fence-Viewers' Act, excepting as to the amount of such award which shall be finally decided by the fence-viewers, irrespective of the provisions of section fourteen of said Fence Viewers' Act, and their award shall be final.

Sec. 468  
amended.

**21.** Section four hundred and sixty-eight of the said Act is hereby amended, by striking out the words "according to the frontage thereof" in the fifth and sixth lines of the said section, and inserting the same after the word "therein," in the eighth line of the said section.

Secs. 472, 473,  
and 474, re-  
pealed.

**22.** Sections four hundred and seventy-two, four hundred and seventy-three and four hundred and seventy-four of the said Act are hereby repealed, but such repeal shall not affect any



any thing legally done under said sections, or any of them, or any proceedings commenced under the said sections or any of them, which proceedings may be continued as if the said sections had not been repealed.

## CAP. XVII.

An Act to Amend the Act, intituled "An Act to Establish Municipal Institutions in the Districts of Parry Sound, Muskoka, Nipissing, and Thunder Bay."

[Assented to 24th March, 1874.]

**W**HEREAS it is expedient to amend the said Act, passed Preamble,  
in the thirty-fifth year of the reign of Her Majesty,  
Queen Victoria, and chaptered thirty-seven :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section fourteen of said Act is hereby amended by striking out at the end thereof, the words "such decision shall be considered final," and substituting therefor the words following; "an appeal may be had from the decision of the said Council in that behalf to the Stipendiary Magistrate in the same manner as to the County Judge in other municipalities, and the decision of the Stipendiary Magistrate shall be final." 35 V., c. 37, s. 14, amended. Appeal from the Council to Stipendiary Magistrate.

2. Notice of Appeal shall in all cases of appeal to the Stipendiary Magistrate be left with the Clerk of the Division Court of the division in which such municipality is situated, and copies thereof shall also be left with the Clerk of the Municipality; and such notice shall be so given and left within the time, and the said clerks respectively, shall, with regard to such appeal, perform all the duties and matters in the manner in that behalf required by law in the case of a like appeal to the County Judge as aforesaid. Notice of appeal.

3. The Stipendiary Magistrate shall have the like powers and shall perform the like duties in respect of such appeals as are performed by the County Judge in like cases in other municipalities. Powers of Stipendiary Magistrate.

4. The assessment roll as finally revised under said Act and this Act shall be taken and held as the assessment roll of the municipality for all purposes, until a new assessment roll shall have been made as in said Act provided. Revised roll.

Sec. 16, amended.

5. Section sixteen of said Act is hereby amended by striking out the word "July" in said section, and inserting in lieu thereof the word "January."

Sec. 20, repealed.

6. Section twenty of said Act is hereby repealed.

Nomination of Reeve and Councillors.

Election of Council.

Place and conduct of election.

Clerk to preside at nomination.

Returning Officer.

7. A meeting of the electors shall take place for the nomination of candidates for the offices of Reeve and Councillors of the municipalities formed in accordance with the provisions of said Act, on the last Monday in December, annually, at such place therein as shall from time to time be fixed by by-law of said council; and the electors of every such municipality shall elect annually, on the first Monday in January, the members of the Council of the Municipality, except such members as may have been elected by acclamation on such nomination day, as aforesaid; and the persons so elected shall hold office until their successors are elected, and sworn into office; and the said Council shall by by-law fix the place for holding the said election; and the election shall be conducted in the same manner as is provided for municipal elections in townships in Ontario, except so far only as otherwise enacted by this Act.

8. The Clerk of the Municipality shall preside at the meeting for the nomination of Candidates for the offices of Reeve and Councillors for such Municipality, and shall be the Returning Officer at all elections after the first election under said Act.

Sec. 21, amended.

9. Section twenty-one of said Act is hereby amended by striking out the word "resident" in said section, and inserting the same before the word "householders" in the same section.

Term of office of present Councils.

Powers and duties.

10. The present Councils formed under said Act shall continue to hold office until the first day of January, in the year of our Lord one thousand eight hundred and seventy-five, and thereafter until their successors are elected hereunder; and shall have all the powers and duties belonging to, and to be performed by them under the said Act and this Act.

McTavish, Sibley, &c., to cease to form part of Shuniah.

11. From and after the passing of this Act, the Townships of McTavish and Sibley, and all other parts of the Municipality of Shuniah, lying to the south and east of those townships, shall cease to form a part of that municipality, and shall be subject to the provisions of the Act in the recital hereof mentioned, as well as to this Act.

## CAP. XVIII.

An Act to provide for the better Government of that part of Ontario situated in the vicinity of the Falls of Niagara.

[Assented to 24th March, 1874.]

**W**HEREAS it is necessary for the protection of strangers and other persons visiting the Falls of Niagara, that special provision should be made in order to secure the due and prompt administration of justice in the Town of Clifton and elsewhere in the vicinity of the said Falls: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council may, from time to time, appoint a fit and proper person to be police magistrate for the Town of Clifton, in the County of Welland. Appointment of police magistrate.

2. The said police magistrate shall be *ex officio* a Justice of the Peace of and for the County of Lincoln, and of and for the County of Welland; and may exercise within the said counties the jurisdiction and authority of two justices of the peace; but it shall not be his duty, unless he find it convenient so to do, to entertain any complaint except with reference to offences committed within the limits of the Town of Clifton or of the Township of Stamford; and he shall, as far as practicable, give precedence to complaints in which persons residing at a distance are concerned, either as parties or as witnesses, to complaints concerning only persons residing in the neighbourhood. Powers and duties of police magistrate.

3. In addition to any other penalty imposed by any statute or by any by-law of the municipality, as a punishment for any offence, the police magistrate shall have authority to inflict as an additional punishment, the revocation, or the suspension for such period as he may consider just, of any license granted or issued by the municipal officers of the said Town of Clifton, or of the said Township of Stamford. Power of revocation of licenses.

4. The Lieutenant-Governor may appoint as many constables as he may consider requisite for the efficient administration of justice in the neighbourhood of the Falls of Niagara. No such constable shall be entitled to charge any fees whatever for his own use. Appointment of constables.

5. Notwithstanding any statute, usage, custom or law to the contrary, no appeal shall lie to any court of General Sessions of the Peace, or to any other court, except as hereinafter mentioned, Appeals.



tioned, from the conviction or order of the police magistrate, for an offence against any statute of the Legislature of this Province, or against any statute which the said Legislature has jurisdiction to repeal, or for an offence against a by-law of a Municipality.

#### Appeals.

6. An appeal shall lie from a conviction had under this Act to the Judge of the County Court of the County in which the conviction is made sitting in Chambers, without a jury, within twenty days after the said conviction ;

(a). The police magistrate shall, in all cases of complaint under this Act, reduce to writing the whole of the evidence of the witnesses examined before him, and shall read the same over to the witnesses, who shall sign the same ;

(b). At the request of the person convicted, the police magistrate who has convicted, upon deposit made with him, of the amount of the penalty and the costs, and a further sum of ten dollars shall, within five days after the date of the said conviction, transmit by registered letter, post-paid, all the proceedings and evidence to the clerk of the county court ;

(c). Within ten days after the date of the said conviction, if the judge of the County Court be of opinion from the said evidence that the conviction may be erroneous, he may grant a summons calling upon the County Attorney and the prosecutor to show cause why the said conviction may not be quashed ;

(d). Upon the return of the summons, the judge may, upon hearing the parties, either affirm or quash the said conviction, or if he shall see fit, may hear the evidence of such other witness or witnesses, or the further evidence of any witness already examined, and may then make an order affirming or quashing the said conviction as he may think just, and may order the payment of costs, and shall fix the amount thereof ;

(e). Upon production of the judge's order, the police magistrate who has convicted shall issue his warrant for payment of such further sum for costs, as the sum deposited with him is insufficient to pay ; if the conviction be quashed, the judge shall order a return of the money so deposited, and shall order payment of such sum for costs as he may tax and order, and unless the sum be paid by the complainant, the police magistrate may issue his warrant to levy the costs ;

(f). The judge shall have as full a power to correct and amend any formal objection in the conviction as he would have to amend any proceeding in a civil cause in the County Court.

Police magistrate to keep accounts of fines, &c.

Deposit of fines, &c.

7. The police magistrate shall keep proper accounts of all fines, penalties, and costs, which may be imposed in the police court of the said town, or which may be elsewhere imposed by him ; and shall immediately upon any such fines, penalties, and costs, being collected or received, or at such periods as the Treasurer of Ontario from time to time directs, deposit the amount thereof in such bank as the said Treasurer from time to time directs, to the credit of a fund to be called the "Niagara Falls Police Fund."

8. The rents and profits of the land along the bank of the River Niagara, including the descent to the foot of the Falls, now held by Her Majesty for the use of the Province, and the said fund, are to be applicable to the payment of the salary of the said police magistrate and the salaries of the said constables, and the other expenses of the administration of justice under this Act, and of otherwise carrying out the provisions of this Act. Certain rents, &c., to be applied to defray expenses of this Act.

9. The salary of the police magistrate shall not exceed a rate of one thousand dollars per annum; and the salary of the constables shall not exceed a rate of forty dollars per month. Salaries.

10. This Act shall be in force until the end of the next session of Parliament, and no longer. Duration of Act.

## CAP. XIX.

### An Act to amend The Assessment Law.

*[Assented to 24th March, 1874.]*

**W**HEREAS it is expedient to amend The Assessment Act of 1869, and the Act passed in the thirty-third year of Her Majesty's reign, chaptered twenty-seven, amending the said Act:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. All real property situate within the Province of Ontario, and owned out of this Province, shall be liable to assessment in the same manner and subject to the like exemptions as other real property under the provisions of the said recited Act. Realty within, but owned out of Ontario to be assessable.

2. All personal property within the Province in the possession or control of any agent or trustee for or on behalf of any owner thereof, who is resident out of this Province, shall be liable to assessment in the same manner and subject to the like exemption as in the case of the other personal property of the like nature under the said Act or of this Act. Personalty in control of agent for non-resident owner assessable.

3. The shares held by any person in the capital stock of any incorporated or chartered bank, doing business in this Province, shall be exempt from assessment for municipal or other local rates or taxes; but any interest, dividends or income derived from any such shares held by any person resident in this Province, shall be deemed to come within and to be liable to assessment. Dividends only of Bank Stock to be assessed.

ment under the thirty-fifth section of The Assessment Act of 1869.

Occupant for non resident owner may be assessed as owner in certain cases.

4. In the case of real property, owned by a person not resident within this Province, who has not required his name to be entered on the assessment roll, then if the land be occupied it shall be assessed in the name of and against the occupant as such, and he shall be deemed the owner thereof, for the purpose of imposing and collecting taxes upon and from the same land, under the provisions of the Assessment Act; but if the land be not occupied, and the owner has not requested to be assessed therefor, then it shall be assessed as land of a non-resident, according to the provisions of the thirty-fourth section of the Assessment Act of 1869; and it shall not be necessary that the name of such non-resident or owner be inserted in the assessment roll, but it shall be sufficient to mention therein the name of the reputed owner or the words "owner unknown," according to the assessor's knowledge or information.

When land may be assessed as non-resident.

When person- alty of non- residents may be assessed against the agent therefor.

5. In the case of the personal property of a person not resident within this Province, it shall be assessed in the name of and against any agent, trustee or other person, who is in the control or possession thereof, and shall be deemed to be the individual property of such agent, trustee or other person, for all objects within the said Assessment Act.

Salaries, &c., to be assessed at the place where earned.

6. Every person who holds any appointment or office of emolument to which an annual salary, gratuity or other compensation is attached, and performs the duties of such appointment or office, within a municipality in which he does not reside, shall be assessed in respect of the amount of such salary, gratuity or other compensation at the place where he performs such duties, and he shall not be assessable therefor at his place of residence, but if required, shall procure a certificate of being otherwise assessed under the provision of this section: Provided that this section shall not apply to county municipal officers.

S.149 amended as to words treasurer and warden.

7. The words "treasurer" and "warden" in section one hundred and forty-nine of the said Act are declared to mean the persons who at the time of the execution of the deed in such section mentioned may hold the said offices.

#### REVISION OF ASSESSMENT ROLL.

Time when assessors to complete and deliver rolls to clerk.

8. In each year every assessor shall begin to make his roll not later than the fifteenth day of February, and shall complete the same on or before the thirtieth day of April; and on the first day of May, he shall deliver the said completed roll to the clerk of the municipality, with the certificates and affidavits required by law attached; and the clerk shall file the same immediately upon the receipt thereof.



**9.** Every member of the court of revision, before entering upon his duties, shall take and subscribe, before the clerk of the municipality, the following oath (or affirmation in cases where by law affirmation is allowed) :—

“ I, \_\_\_\_\_, do solemnly swear or affirm that I will, to the best of my judgment and ability, and without fear, favour or partiality, honestly decide the appeals to the court of revision which shall be brought before me for trial as a member of said court.”

Oath of members of court of revision.

**10.** Section fifty-seven of said Act is hereby repealed, and s. 57 amended. the following section substituted therefor :

“ 57. If any person summoned to attend the court of revision as a witness fail, without good and sufficient reason, to attend (having been tendered compensation for his time at the rate of fifty cents a day), he shall incur a penalty of twenty dollars, to be recoverable, with costs, by and to the use of any person suing for the same, either by suit in the proper division court, or in any way in which penalties incurred under any by-law of the municipality may be recovered.”

Penalty to witnesses who refuse to attend.

**11.** The first sittings of the court of revision shall not be held until after the expiration of at least ten days from the expiry of the time within which notice of appeals may be given to the clerk of the municipality ; and the advertisement which the said clerk is required, by the sixth sub-section of section sixty of the Act hereby amended, to publish, of the time at which a court of revision will hold its first sittings for the year shall be published at least ten days before such time ; and the final revision by the said court of the said roll shall be made on or before the first day of July in each year.

When first meeting of the court to be held.

To be advertised by clerk.

**12.** The notice to be given to the clerk under sub-sections one and two of the sixtieth section of the said Act, is to be given within fourteen days after the first day of May required for the return of the roll, or within fourteen days after the return of the roll, in case the same is not returned within the time fixed for that purpose.

Time within which notices of appeal to the court are to be given.

**13.** When necessary, the clerk of the municipality may, at the cost of the municipality, call to his aid such assistance as may be required to effect the services which he is required by law to make ; and in the event of his failure to effect any such services in time for the first sitting of the court, the court, in its discretion, may appoint an adjourned sitting, for the purpose of hearing the appeals for which the services were not effected in time for the first day, and the proper services shall be made for such adjourned day.

Clerk may require assistance in making services.

Power to adjourn.

**14.** The clerk of the court shall enter the appeals on the list in the order in which they are received by him, and the court shall proceed with the appeals in the order, as nearly as may be, in which they are so entered, but may grant an adjournment or postponement of any appeal.

Order of hearing appeals.

Postponement.

Oaths of certain parties not necessary.

**15.** It shall not be necessary to hear upon oath the complainant or assessor, or the party complained against, unless where the court deems it necessary or proper, or the evidence of the party shall be tendered on his own behalf or required by the opposite party.

S. 63 amended.

**16.** The sixty-third section of the said Act is hereby repealed, and the following substituted therefor :—

Appeal from Court of Revision.

“ 63. An appeal to the county judge shall lie, not only against a decision of the court of revision on an appeal to said court, but also against the omission, neglect, or refusal of said court to hear or decide an appeal, and in such case :—

Service of notice of appeal.

(1.) “ The person appealing shall, in person or by his attorney or agent, serve upon the clerk of the municipality, within five days after the first day of July, a written notice of his intention to appeal to the county judge ;

Day for hearing.

(2.) “ The judge shall notify the clerk of the day he appoints for hearing appeals ;

Clerk to notify parties.

(3.) “ The clerk shall thereupon give notice to all the parties appealed against in the same manner as is provided for giving notice of complaint by the sixtieth section of this Act ; but in the event of failure by the clerk to have the required service in any appeal made, or to have the same made in proper time, the judge may direct service to be made for some subsequent day upon which he may sit ;

List of appellants, &c., to be posted up by clerk.

(4.) “ The clerk of the municipality shall cause a conspicuous notice to be posted up in his office, or the place where the council of the municipality hold their sittings, containing the names of all the appellants and parties appealed against, with a brief statement of the ground or cause of appeal, together with the date at which a court will be held to hear appeals ;

Clerks of court.

(5.) “ The clerk of the municipality shall be the clerk of such court ;

Hearing and adjournment.

(6.) “ At the court so holden, the judge shall hear the appeals and may adjourn the hearing from time to time, and defer judgment thereon at his pleasure, so that all the appeals be determined before the first day of August.”

Powers of judge sitting in appeal from court of revision.

**17.** In proceedings before the county judge or acting judge of the court under the said Act, the judge shall, with reference to the matters mentioned in the sixty-sixth section of the said Act, have the powers which belong to or might be exercised by him in the division court, or in the county court, and all process or other proceedings in, about, or by way of appeal, may be entitled as follows :—

Style of proceedings.

“ In the matter of appeal from the Court of Revision of the \_\_\_\_\_, of \_\_\_\_\_,

“ the \_\_\_\_\_, Appellant,

and

“ the \_\_\_\_\_, Respondent,’

and the same need not be otherwise entitled.

**18.** Where costs are ordered to be paid by any party claiming or objecting, or objected to, or by any assessor, clerk of a municipality, or other person, the same shall hereafter be enforced by execution, to be issued as the judge may direct, either from the county court or the division court within the county of which the municipality or assessment district, or some part thereof is situated, in the same manner as upon an ordinary judgment, for costs recovered in such court. Costs how collected.

**19.** The costs chargeable or to be awarded in any case may be the costs of witnesses, and of procuring their attendance and none other; and the same are to be taxed according to the allowance in the division court for such costs; and in cases where execution shall issue the costs thereof as in the like court, and of enforcing the same, may also be collected thereunder. What costs chargeable.

**20.** Schedule B to the Assessment Act of 1869 is hereby amended, so that the period for giving notice of appeal from the assessment shall be within fourteen days after the time fixed for the return of the roll, instead of from the leaving of the notice. Schedule B amended as to giving notice of appeal.

**21.** All sections, or parts of sections, of the Act hereby amended, inconsistent with the provisions of this Act, are hereby repealed. Repealing clause.

**22.** The second sub-section of the seventy-first section of the Assessment Act of 1869 is hereby repealed, and the following substituted:— S. 71, sub. 2, repealed.

“In equalizing the rolls of the towns and villages, the county council shall take sixty per cent. of the amounts returned on the rolls as the valuation of such towns and villages, for the purposes mentioned in the preceding subsection, and the county council shall then proceed to equalize the valuations in the several municipalities, including the said towns and villages, and it shall be competent for the county councils to increase or diminish the reduced valuations of the respective towns and villages, as well as the valuation of the townships.” Equalizing rolls of towns and villages.

**23.** The third sub-section of the said section seventy-one is hereby amended by inserting after the word “decreasing” the words following, “or refusing to increase or decrease,” and by striking out the words “the aggregate of” in the second line, and by striking out in the third line of the said section the words “made by the assessors.” Sec. 71, sub. 3, amended.



## CAP. XX.

## An Act respecting Municipal Drainage By-laws.

[Assented to 24th March, 1874.]

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Powers as to drainage on petition of residents or non-residents.

**1.** Every municipal council shall, upon the petition of the majority in number of all the owners, whether resident or non-resident, of the property to be benefited, have the same authority to pass by-laws for the construction of drainage works by local assessment, as they would have upon the petition of the majority in number of the owners shown by the last revised assessment roll to be resident on the property to be benefited.

Power to amend by-law when no sufficient means provided for completion of the work.

**2.** In case any by-law already passed, or which may be hereafter passed by the council of any municipality for the construction of drainage works by assessment upon the real property to be benefited thereby, and which has been acted upon by the construction of such works in whole or in part, does not provide sufficient means for the completion of the works, or for the redemption of the debentures authorized to be issued thereunder as the same become payable, the said council may, from time to time, amend the by-law in order fully to carry out the intention thereof, and of the petition on which the same was founded.

Debentures not to be invalid though not in accordance with by-law.

**3.** No debenture issued, or to be issued under any by-law aforesaid, shall be held invalid on account of the same not being expressed in strict accordance with such by-law, provided that the debentures are for sums not in the whole exceeding the amount authorized by the by-law.

Investment in purchase of debentures by Lt.-Governor in Council made valid.

**4.** Any investment heretofore made, or which may be hereafter made by the Lieutenant-Governor in Council in the purchase of debentures issued under any municipal by-law for the construction of drainage works, passed under the authority of the Municipal Law of Ontario, shall stand upon the same footing and be as valid and effectual as if such by-law had been passed under the authority of "The Municipal Drainage Aid Act" of 1873.

Lieut.-Governor in Council may advance par value of debentures.

**5.** The Lieutenant-Governor may, in his discretion, advance the whole par value of debentures instead of eighty-five per centum merely of such par value, before the completion of the works.

6. Sections one to eighteen inclusive, and also sections twenty-seven and twenty-eight of "The Municipal Drainage Aid Act" of 1873 are hereby repealed; and the proceeding authorized thereby shall hereafter be taken under sections numbered from four hundred and forty-seven to four hundred and sixty-three inclusive, of the Municipal Institutions Act of one thousand eight hundred and seventy-three.

36 V., c. 39,  
ss. 1 to 18, and  
ss. 27 28  
repealed.

## CAP. XXI.

An Act respecting the Act intituled "An Act to encourage settlement in the Free Grant Territory."

[Assented to 24th March, 1874.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. So much of the Act passed in the thirty-fourth year of Her Majesty's reign, chaptered five, as confines to one township the improvements to be made under the said Act is hereby repealed.

34 V., c. 5,  
amended.

## CAP. XXII.

An Act to provide for the remission of sums due to the Crown by settlers in the Free Grant Townships of Alice, Grattan, Wilberforce and Minden.

[Assented to 24th March, 1874.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council may remit the sums due to the Crown in respect of their lands by *bona fide* settlers still in occupation of their lands in the free grant townships of Alice, Grattan, Wilberforce and Minden, and place such settlers in the same position as those who settled in the free grant townships under the free grant regulations.

Lieutenant-Governor in Council may remit debts due to the Crown in certain townships

2. The Lieutenant-Governor in Council may confer upon the Commissioner of Crown Lands authority to make the remissions in the first clause mentioned, subject to the provisions thereof, and of any Order in Council not inconsistent therewith.

and confer on the Commissioner of crown lands power to remit.

CAP.

## CAP. XXIII.

An Act respecting sales of pine trees by certain settlers in the Free Grant Townships, in the Districts of Muskoka and Parry Sound.

[Assented to 24th March, 1874.]

Preamble.

**W**HEREAS by an Order of the Lieutenant-Governor in Council, made on the fourth day of October, 1871, the Commissioner of Crown Lands was authorized to give public notice that the Department of Crown Lands would recognize the right of all purchasers or locatees of free grant lands in townships, open for sale and location under the Free Grant and Homestead Act of 1868, in the Districts of Muskoka and Parry Sound, who should have so purchased or located any lot in the said townships, on or before the thirtieth day of September, one thousand eight hundred and seventy-one, and who should on that day have been in the actual occupation of, and resident on the lots located, to sell or dispose of all pine trees, standing or being on the lots located, or purchased and occupied by them subject to the payment to the Crown of certain duties set forth in the said Order; And whereas upon the faith of the said Order in Council, various parties have purchased for valuable considerations from purchasers and locatees, coming within the terms of the said Order, the pine trees standing and being on the lots located and purchased by them; And whereas doubts are entertained as to the validity of the hereinbefore recited provisions of the said Order in Council, and it is desirable to remove the same;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Construction of Order in Council to dispose of pine trees.

**1.** The said Order in Council shall hereafter be held to have conferred upon any locatee or purchaser coming within the terms thereof, a valid and sufficient authority to sell or dispose of any pine trees standing or being upon the lots located, or purchased and occupied by such locatee, or purchaser, subject, however, to the payment of duties imposed by the said order.

Certain Dispositions by locatees or purchasers confirmed.

**2.** Any such sale or disposition by any locatee, or by any purchaser as aforesaid, made by him subsequent to the thirtieth day of September, one thousand eight hundred and seventy-one, and also any sale or other disposition made by any locatee or purchaser as aforesaid, on or prior to the said thirtieth day of September, and confirmed by him subsequent to the date of the said Order in Council, shall stand upon the same footing as sales or dispositions made subsequently to the date of the said Order are placed by virtue of the preceding section.



**3.** Nothing herein contained shall affect any action or suit Pending suits.  
now pending or heretofore decided in any court of law or  
equity.

## CAP. XXIV.

An Act to amend certain Acts relating to Joint Stock  
Road Companies.

*[Assented to 24th March, 1874.]*

**H**ER Majesty, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** Sub-section three of section five of the Act passed in the 35 V., c. 33, s.  
thirty-fifth year of the reign of Her Majesty Queen Victoria, 5, sub. 3,  
and chaptered thirty-three, is hereby amended by inserting the amended.  
words "or Engineer (as the case may be)" immediately after  
the word "Arbitrators" in the tenth line of said sub-section.

**2.** Section nine of the aforesaid Act is hereby amended by Sec. 9, amend-  
inserting immediately after the word "road" in the third line ed.  
of said section, the following words, "such abandonment to be  
signified by the head or president of such company, by a notice  
in writing, delivered to the Municipal Council of the county  
wherein such road or any part thereof lies; and until the de-  
livery of such notice as aforesaid, such company shall be liable  
in any civil suit for damages arising from the unsafe condition  
of such road."

**3.** Sub-section one of section one of the Act passed in the 31 V., c. 31, s.  
thirty-first year of Her Majesty's reign, and chaptered thirty- 1, sub. 1, and  
one, as such sub-section is constituted by section three of the 35 V., c. 33, s.  
Act passed in the thirty-fifth year of Her Majesty's reign, 3, amended.  
chaptered thirty-three is hereby amended by striking out the  
word "the" at the end of the twelfth line, and the word  
"engineer" at the commencement of the thirteenth line of said  
sub-section, and inserting in lieu thereof the words "an en-  
gineer approved of by the Judge of the County Court."

**4.** The following words be added to section eighty-five of C. S. U. C.  
chapter forty-nine of the Consolidated Statutes for Upper c. 49, s. 85,  
Canada, "but such requisition shall not be presented to the amended.  
"county judge until at least six days written notice thereof,  
"signed by one or more of the said freeholders of such in-  
"tended requisition, shall have been given in the manner pro-  
"vided by section eighty-six of this Act."

36 V., c. 42,  
s. 1, amended.

5. Section one of the Act passed in the thirty-sixth year of Her Majesty's reign, and chaptered forty-two, is amended by adding thereto the words following: "Provided always that if "within said twelve months by certificate of the county engineer "or otherwise, it be made to appear to the Lieutenant-Governor "in Council, that all bridges and culverts on any such road as is "firstly in this section mentioned are put in a proper state of "repair, and that substantial progress has otherwise been made "in putting said road in repair within the meaning of this Act, "then the Lieutenant-Governor in Council may, by order in "council, allow such further time or times, not extending beyond "two years from said first day of July, to put in a proper state "of repair the said road, or such portions thereof, as are out of "repair."

## CAP. XXV.

### An Act respecting Line Fences.

[Assented to 24th March, 1874]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Repeal of  
previous  
enactments.

1. The Act, Chaptered fifty-seven of the Consolidated Statutes for Upper Canada; the Act, Chaptered forty-six, of the Statutes of Ontario, passed in the thirty-second year of Her Majesty's reign, so far as they affect line fences, and all Acts, and parts of Acts, respecting the subject provided for in this Act are repealed.

Duties of  
owners of ad-  
joining lands  
as to fences.

2. Owners of occupied adjoining lands shall make, keep up and repair a just proportion of the fence which marks the boundary between them, or if there is no fence, they shall so make, keep up and repair the same proportion, which is to mark such boundary; and owners of unoccupied lands which adjoin occupied lands, shall, upon their being occupied, be liable to the duty of keeping up and repairing such proportion, and in that respect, shall be in the same position as if their land had been occupied at the time of the original fencing, and shall be liable to the compulsory proceedings hereinafter mentioned.

Disputes be-  
tween owners,  
how to be  
settled.

3. In case of dispute between owners respecting such proportion, the following proceedings shall be adopted:

Either owner may notify the other owner or the occupant of the land of the owner so to be notified, that he will, not less than one week from the service of such notice, cause three fence viewers of the locality to arbitrate in the premises. Such owners so notifying

notifying shall also notify the fence viewers, not less than one week before their services are required. The notices in both cases shall be in writing, signed by the person notifying, and shall specify the time and place of meeting for the arbitration, and may be served by leaving the same at the place of abode of such owner or occupant, with some grown-up person residing thereat, or in case of such lands being untenanted, by leaving such notice with any agent of such owner: the owners notified may, within the week, object to any or all of the fence viewers notified, and in case of disagreement, the judge hereinafter mentioned shall name the fence viewers who are to arbitrate.

4. The fence viewers shall examine the premises, and if required by either party, they shall hear evidence, and are authorized to examine the parties and their witnesses on oath, and any one of them may administer the oath or an affirmation as in courts of law.

Duties and powers of fence viewers.

5. The fence viewers shall make an award in writing, signed by any two of them, respecting the matters so in dispute. The award shall specify the locality, quantity, description, and the lowest price of the fence it orders to be made, and the time within which the work shall be done; and the award shall state by which of the said parties the costs of the proceedings shall be paid, or whether either party shall pay some proportion of such costs; and in making such award, the fence viewers shall regard the nature of the fences in use in the locality, the pecuniary circumstances of the persons between whom they arbitrate, and generally the suitableness of the fence ordered to the wants of each party; and where from the formation of the ground, by reason of streams or other causes, it is found impossible to locate the fence upon the line between the parties, it shall be lawful for the fence viewers to locate the said fence either wholly or partially on the land of either of the said parties, where to them it may seem to be most convenient; but such location shall not in any way affect the title to the land; if necessary, the fence viewers may employ a Provincial land surveyor, and have the locality described by metes and bounds.

Award of fence viewers and powers.

6. The award shall be deposited in the office of the Clerk of the Council of the Municipality in which the lands are situate. It is an official document, and may be given in evidence in any legal proceeding by certified copy, as are other official documents; and notice of its being made shall be given to all parties interested.

Deposit of award.  
Award may be evidence.

7. The award may be enforced as follows:—The person desiring to enforce it must serve upon the owner or occupant of the adjoining lands a notice in writing, requiring him to obey the award, and if the award is not obeyed within one month after service

Award, how enforced.



service of such notice, the person so desiring to enforce it may do the work which the award directs, and immediately recover its value and the costs from the owner by action, in any division court having jurisdiction in the locality : Provided always, that the judge of such division court may, on application of either party, extend the time for making such fence to such time as he may think just.

Award to be a charge on lands, if registered.

**8.** The award is a lien and charge upon the lands respecting which it is made, provided that it is registered in the Registry Office of the County in which the lands are. Such registration may be in duplicate or by copy, proved by affidavit of a witness to the original, or otherwise, as in the case of any deed which is within the meaning of the Acts respecting registration of deeds of lands.

How registered.

Duty and liability of occupants as to notifying owners.

**9.** An occupant, not the owner of land notified in the manner above mentioned, must immediately notify the owner; if he neglect so to do, he is liable for all damage caused to the owner by such neglect.

Fees to fence viewers and witnesses.

**10.** The fence viewers are entitled to receive two dollars each for every day's work under this Act. Provincial land surveyors and witnesses are entitled to the same compensation as if they were subpoenaed in any division court.

Appeals.

**11.** Any person dissatisfied with the award made may appeal therefrom to the Judge of the County Court of the County in which the lands are situate; for such appeal the proceedings shall be as follows:—The appellant shall serve upon the fence viewers, and all parties interested, a notice in writing of his intention to appeal, not less than one week from the time he has been notified of the award; such notice may be served as other notices mentioned in this Act. The appellant must also deliver a copy of such notice to the Clerk of the Division Court of the Division in which the land lies, which Clerk shall immediately notify the Judge of such appeal, whereupon the Judge shall appoint a time for the hearing thereof, and, if he think fit, order such sum of money to be paid by the appellant to the said Clerk as shall be a sufficient indemnity against costs of the appeal, and the Judge shall order the time and place for the hearing of the appeal, and communicate the same to the Clerk, who shall notify the fence viewers and all parties interested, in the manner hereinbefore provided for the service of other notices under this Act, and the Judge shall hear and determine the appeal, and set aside, alter, or affirm the award, correcting any error; he may examine parties and witnesses on oath, and, if he so please, may inspect the premises; he may order payment of costs by either party, and fix the amount, and his decision shall be final; and the award, as so altered or confirmed, shall be dealt with in all respects as it would have been if it had not been appealed from.

Powers of the Judge.

**12.** Any agreement between owners respecting such line fence in writing may be filed or registered and enforced as if it was an award of fence viewers. Registration of agreements.

**13.** The forms in the schedules are to guide the parties, being varied according to circumstances. Forms.

**14.** This Act is not to affect any proceedings under former Acts. Pending proceedings excepted.

**15.** This Act may be cited in any proceeding or document as the "Ontario Line Fences Act." Short title.

### SCHEDULE A.

#### NOTICE TO OPPOSITE PARTY.

Take notice, that Mr. , Mr. , and Mr. , three fence viewers of this locality, will attend on the day of 18 , at the hour of , to view and arbitrate upon the line fence in dispute between our properties being lots *one* and *two* in the Concession of the Township of , in the County of .  
Dated this day of 18

A. B.,  
Owner of lot 1.

To C. D.,  
Owner of lot 2.

### SCHEDULE B.

#### NOTICE TO FENCE VIEWERS.

Take notice that I require you to attend at on the day of A.D., 18 , at o'clock, A.M., to view and arbitrate on the line fence between my property and that of Mr. , being lots Nos. *one* and *two* in the Concession of the Township of in the County of .  
Dated this day of 18 .

A. B.,  
Owner of lot.

### SCHEDULE C.

#### AWARD.

We, the fence viewers of the locality, having been nominated to view and arbitrate upon the line fence between by *(name and description of owner who notified)* and *(name and description)*

*description of owner notified*), which fence is to be made and maintained between (*describe properties*), and having examined the premises and duly acted according to the Ontario Line Fences Act, do award as follows: That part of the said line which commences at                      and ends at                      (*describe the points*) shall be fenced, and the fence maintained by the said                     , and that part thereof which commences at                      and ends at                      (*describe the points*) shall be fenced, and the fence maintained by the said                     . The fence shall be of the following description: (*state the kind of fence, height, material, &c.*), and shall cost at least                      per rod. The work shall be commenced within                      days, and completed within                      days from this date, and the costs shall be paid by (*state by whom paid, if by both, in what proportion*).

Dated this                      day of                      A.D., 18                     .

(*Signatures of fence viewers.*)

#### SCHEDULE TO AGREEMENT.

We                      and                      owners respectively of lots *one* and *two* in the                      Concession of the Township of                     , in the County of                     , do agree that the line fence which divides our said properties shall be made and maintained by us as follows: (*follow same form as in the award*).

Dated this                      day of                      A.D., 18                     .

*Signatures of parties.*

#### CAP. XXVI.

An Act to Amend the Act entitled “An Act Respecting the Public Works of Ontario.”

[*Assented to 24th March, 1874.*]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

32 Vic. c. 28,  
secs. 1, 2, 3, 5,  
6, and 47, re-  
pealed.

1. Sections numbers one, two, three, five, six, and forty-seven, of the Act passed in the thirty-second year of the reign of Her Majesty, and chaptered twenty-eight, intituled “An Act respecting the Public Works of Ontario,” are hereby repealed, and the following substituted in lieu thereof respectively:—





Duties of  
Law Clerk.

Duties of  
Accountant.

When no  
Arbitration  
allowed.

in duplicate and that one copy of each, properly certified and approved, is sent to the Provincial Treasurer for submission to the Executive Council ; to file all accounts and documents ; to keep the ordinary indexes and also one " Subject Matter Index of the Letter Books and Register ;" to sign requisitions for office supplies and contingencies ; to prepare the Departmental pay-list, draw the money on checks from the Treasurer's office and pay the salaries ; to have charge of the Departmental Seal, and of the Post Office franking stamp ; and generally to do and perform all such acts and things pertaining to the business of the Department as he may from time to time be directed to do and perform by the Commissioner ; and a copy of any map, plan or document in the Department certified by him to be a true copy, and sealed with the seal of the Department, shall be held to be authentic, and shall be *prima facie* evidence of the same legal effect as the original in any Court or elsewhere : It shall be the duty of the Law Clerk to prepare all contracts, bonds, deeds and documents of a legal nature relating to Public Works, and to see that the same are properly executed ; to examine the papers relating to, and to report to the Commissioner upon all applications for the sale of drainage debentures ; to conduct all legal correspondence ; and generally to advise the Department on all legal questions relating to Public Works and the property connected therewith, which may be submitted to him by the Commissioner : It shall be the duty of the Accountant to check all accounts relating to Public Works, and to mark thereon the appropriations to which the same are properly chargeable, and to keep all necessary Books and accounts relating to appropriations for Public Works, and the expenditure in respect thereof.

47. No person shall be entitled to an arbitration where by the terms of the contract it is provided that the determination of any matters of difference arising out of or connected with the same, shall be decided by the Commissioner, Architect, or Engineer, or other officer of the Department.

32 Vic. c. 28,  
secs. 36, 37, 38  
and 39 re-  
pealed.

2. Sections thirty-six, thirty-seven, thirty-eight, and thirty-nine of the said Act are hereby repealed.

## CAP. XXVII.

An Act to amend and consolidate the Law relating to the Council of Public Instruction, the Normal Schools, Collegiate Institutes and High Schools.

[Assented to 24th March, 1874.]

## CONTENTS OF THIS ACT.

PART I.—CONSTITUTION AND DUTIES OF THE COUNCIL OF PUBLIC INSTRUCTION.

PART II.—APPOINTMENT AND DUTIES OF THE CHIEF SUPERINTENDENT.

PART III.—HIGH SCHOOLS AND THEIR DISTRICTS.

PART IV.—MUNICIPAL COUNCILS AND THEIR DUTIES.

PART V.—HIGH SCHOOL TRUSTEES AND THEIR DUTIES.

PART VI.—HIGH SCHOOL GRANTS AND OTHER MONEYS.

PART VII.—HIGH SCHOOL MASTERS AND TEACHERS.

PART VIII.—HIGH SCHOOL SITES AND OTHER PROPERTY.

PART IX.—MISCELLANEOUS PROVISIONS.

PART X.—REPEALING AND CONFIRMING CLAUSES.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. THE COUNCIL OF PUBLIC INSTRUCTION—WHO ARE MEMBERS OF THE COUNCIL.
2. APPOINTED MEMBERS OF THE COUNCIL.
3. ELECTED MEMBERS OF THE COUNCIL.
4. ELECTION LISTS—DUTIES OF INSPECTORS AND HIGH SCHOOL BOARDS.
5. ELECTION OF MEMBERS, AND CERTIFICATE OF ELECTION.
6. THE COUNCIL AND ITS PROCEEDINGS.
7. MEMBERS' TRAVELLING EXPENSES TO BE PAID—CONTINGENT EXPENSES.
8. POWERS AND DUTIES OF THE COUNCIL :
  - A. *In regard to High School and Collegiate Institutes—Council Elections.*
  - B. *Management of the Normal School.*
  - C. *School Regulations—Qualifications of Inspectors and Examiners—Teachers' Examinations and Certificates.*
  - D. *Text, Prize and Library Books—Superannuated Teachers—Annual Report.*
9. DISCRETIONARY POWERS OF THE COUNCIL.

PART I.—CONSTITUTION AND DUTIES OF THE COUNCIL OF PUBLIC INSTRUCTION.

1. The Council of Public Instruction shall consist of the following members :—



Chief Superintendent.

Appointed members,

One by each college.

Three other elected members.

By Inspectors, High, Public and Separate School Teachers.

Restriction.

Tenure of office.

1. The Chief Superintendent of Education, *ex officio*, or, in his absence, the Deputy Superintendent;

2. Eight members appointed by the Lieutenant-Governor;

3. One member elected by the Council of University College, and one by each of the other Colleges possessing university powers;

4. One member elected by each of the three following classes, viz. :—

(a) The legally qualified masters and teachers of High Schools and Collegiate Institutes;

(b) The Inspectors of Public Schools; and

(c) The legally qualified teachers of Public and Separate Schools;

5. No person shall be eligible to be elected under this section, or to continue a member of said Council, who, at the time of such election, or during the period for which he is elected a member of said Council, is actually employed as an Inspector, a Master, or Teacher, under the Public, Separate or High School Acts;

6. The persons elected at any such election shall hold office until the elections for the following year or years have taken place.

## 2. APPOINTED MEMBERS OF THE COUNCIL.

Present members to retire in one and two years.

2. Four of the present members of the Council (not including the Chief Superintendent of Education) to be determined by lot at the first meeting of the Council held next after the passing of this Act, shall retire from office at the end of one year from the third Tuesday in August, one thousand eight hundred and seventy-four, and four of the remaining appointed members shall hold office for two years from the third Tuesday in August, one thousand eight hundred and seventy-four, unless the appointment be determined at an earlier date by revocation thereof, resignation, or otherwise.

Whom the Lieutenant-Governor may appoint.

3. The Lieutenant-Governor may appoint the said eight members of the Council, as vacancies occur.

New members appointed to hold office two years.

4. Every person appointed to the said Council by the Lieutenant-Governor, shall hold office for two years from the date of his appointment (and until his successor be appointed) unless such appointment is determined at an earlier date by revocation thereof, death, resignation, or otherwise: should a vacancy in the Council arise in the case of any appointed member before his term expires, the Lieutenant-Governor may appoint a person to fill the vacancy for the unexpired term of the person in whose place he is appointed.

Vacancies.

May be re-appointed.

5. Nothing herein contained shall prevent the re-appointment of any member before or after the expiration of his term of office.

## 3. ELECTED MEMBERS OF THE COUNCIL.

6. The persons elected to the Council of Public Instruction by the Colleges shall be elected on or before the third Tuesday in August of the year one thousand eight hundred and seventy-four, and of every subsequent second year thereafter ; Members elected by Colleges.

2. Every election under this section shall be certified to the Chief Superintendent of Education, and the election shall go into effect on the third Tuesday in August in the year of election ; When election takes effect.

3. The persons so elected shall be members of the Council for all purposes of High Schools and Collegiate Institutes, the selection and approval of library and prize books, and for every other purpose not relating exclusively to Public Schools ; Restriction as to college members.

4. The persons elected at any such election shall hold office until the elections for the following year or years have been held and have taken effect ; Term.

5. A person elected to fill a vacancy shall hold office for the term of the person in whose place he is elected. Vacancy.

7. The persons first elected by the Public School Inspectors and by the Masters and Teachers of the High Schools and Collegiate Institutes, shall continue in office for one year, to be reckoned from the time of their election respectively. Members elected by inspectors and high school masters.

8. The person first elected by the Teachers of the Public and Separate schools shall continue in office for two years, to be reckoned from the time of his election. By public and separate school masters.

9. Every person subsequently elected as a member of the Council (except to fill a vacancy), shall hold office for two years, to be reckoned from the time of his election, and until his successor is elected ; Subsequent elections.

(a) The person elected to fill a vacancy shall hold office for the term of the person in whose place he is elected. Term.

10. In case of a vacancy occurring six months or more before the time for holding the next periodical election applicable to the case, the Chief Superintendent shall forthwith appoint a time for holding an election to fill the vacancy, and shall give one month's notice thereof in such manner as the Council of Public Instruction shall direct. Vacancies.

## 4. ELECTION LISTS.—DUTIES OF INSPECTORS AND HIGH SCHOOL BOARDS.

11. For the purpose of the said elections, it shall be the duty of every Inspector of Public Schools, not later than the fifteenth day of June of the years one thousand eight hundred and seventy-four, and one thousand eight hundred and seventy-six, and not later than the fifteenth day of June of every subsequent Inspector to prepare election lists.

quent second year thereafter, to prepare and exhibit publicly in his office, an alphabetical list of the names and post-office addresses of all legally qualified teachers in the Public and Separate schools within his municipality or jurisdiction.

Open to inspection.

**12.** This list may be examined by any teacher of a Public or Separate School at all reasonable times for one month from such fifteenth day of June.

Errors.

**13.** In case any interested party complain to the said Inspector, in writing, of the improper omission or insertion of any name in the said list, it shall be the duty of the Inspector forthwith to examine into the complaint, and rectify the error, if any there be.

Transmit list to Chief Superintendent

**14.** The Inspector shall, for the purposes of this Act, transmit to the Chief Superintendent of Education, not later than the fifteenth day of July in each of the aforesaid years, a duly certified copy of such corrected alphabetical list of legally qualified Teachers (in a form to be provided for that purpose); and all the persons named in the list shall be deemed entitled to vote.

High school board return.

**15.** Every High School or Collegiate Institute Board, (or Board of Education in case of union with a Public School Board), shall furnish in like manner to the Chief Superintendent, not later than the fifteenth day of July, in the years one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, and not later than the fifteenth day of July in every subsequent second year thereafter, a return of the name and address of every legally qualified master of, and teacher in, a High School or Collegiate Institute at such time employed by the board.

In case of non-receipt of list or doubt.

**16.** In case of the non-receipt by the Chief Superintendent, or other officer of his Department, of any alphabetical list or return mentioned in the preceding sections, or in case of any doubt which may arise in regard to the right of any person whose name is attached to a voting paper to vote at an election, the Chief Superintendent, or other officer on his behalf, and the scrutineers appointed as herein provided, shall decide according to the best evidence within their reach as to the right to vote of any inspector, master or teacher who may by a voting paper claim to exercise that right.

Scrutineers may decide.

Lists in case of vacancies.

**17.** In case an election to fill a vacancy is required to be made by the masters and teachers of the Public and Separate or High Schools and Collegiate Institutes, a new alphabetical list of voters shall be furnished to the Chief Superintendent, by the Inspectors and High School or Collegiate Institute Boards, or Boards of Education, respectively, two weeks before the time fixed for such election; in case of its non-receipt at  
the



the time of the election, the list then last received by the Chief Superintendent shall be used.

##### 5. ELECTION OF MEMBERS AND CERTIFICATE OF ELECTION.

**18.** Every election by Inspectors, Masters, or Teachers, held under this Act, shall be in the manner following, that is to say :—

1. The votes shall be given by closed voting papers (in the form in schedule A of this Act) delivered to the Chief Superintendent of Education, or to the Deputy Superintendent, or other officer of the Education Department appointed for this purpose by the Chief Superintendent; Voting papers to be sent to Chief Superintendent.

2. Any voting papers received by post or otherwise, by the said Chief Superintendent, or other officer appointed by him, during the said third Tuesday of August, or other appointed day, or during the preceding week, shall be deemed to be duly delivered to him; During preceding week.

3. The voting papers shall, on the day succeeding the third Tuesday (or other appointed day, in case of election to fill a vacancy) be opened by the said Chief Superintendent, or other officer aforesaid, in the presence of two or more scrutineers, to be appointed for that purpose by the Council of Public Instruction; Papers to be opened by the Chief Superintendent in presence of scrutineers.

4. The Chief Superintendent, or other officer, and the scrutineers shall scrutinize and count the votes, and keep a record thereof in a proper book to be provided for the purpose, which book shall be preserved in the office of the Chief Superintendent, and shall at all reasonable times be open to the inspection of every person desiring to see the same; Scrutineers count and record votes,

5. Any person entitled to vote at the election, shall be entitled to be present at the opening of the voting papers; Book open to inspection.

6. The person having the highest number of votes of the members of the body voting for him, shall be deemed to have been elected; Who shall be elected.

7. In case of an equality of votes between two or more persons, the scrutineers shall forthwith put in a ballot-box papers with the names written thereon of the candidates having said equality of votes, one paper for each candidate; and the Chief Superintendent, or other officer acting for him as aforesaid, shall draw by chance from the ballot-box, in the presence of the scrutineers, one of such papers; and the person whose name is upon the paper so drawn, shall be deemed to have been elected. Case of equality of votes. Ballot.

**19.** At the close of the election, the Chief Superintendent or other officer on his behalf, and the other scrutineers, shall certify to the Chairman of the Council of Public Instruction under their hands and seals, the name of the person or persons who, having the majority of votes, shall be declared by them to be duly elected a member or members of the Council, and shall also send to each member elected a like notification of his election. Certificate of election to chairman of council! And to elected member.

## 6.—THE COUNCIL AND ITS PROCEEDINGS.

Council to be  
subject to  
orders of Lt.-  
Governor.

**20.** The Council shall, in the exercise of its duties, be subject to all lawful orders and directions from time to time issued by the Lieutenant-Governor.

Quorum of  
three and cast-  
ing vote of  
chairman.

**21.** At any lawful meeting of the Council of Public Instruction, three members shall form a quorum for the transaction of business, and in case of an equality of votes on any question, the chairman shall be entitled to a second or casting vote.

Recording  
yeas and nays.

**22.** In case of a division of opinion on any question at a meeting of the Council of Public Instruction, or of the Interim Committee, any member may call for the yeas and nays; and a record of the names of the members voting yea and nay respectively shall be entered by the Clerk of the Council in the minutes of proceedings.

The clerk and  
his duties.

**23.** The Senior Clerk in the Education Office shall be the Clerk to the said Council; he shall enter all its proceedings in a book kept for that purpose; and shall, as may be directed, keep all the accounts of the said Council.

Publish report  
of proceedings.

**24.** A report of the proceedings at every meeting of the Council shall be published in the next succeeding number of the *Journal of Education*; but this shall not apply to meetings of Committees of the Council, except that a report of the proceedings of the Interim Committee shall be published from time to time in like manner as of the Council.

Exception,

## 7.—MEMBERS' TRAVELLING EXPENSES TO BE PAID. CONTINGENT EXPENSES.

Provision for  
travelling  
expenses,

**25.** The travelling expenses of any of the members of the Council residing outside of Toronto attending the regular meetings of the Council may be paid by the Lieutenant-Governor, out of any public funds which may be appropriated by the Legislature for that purpose.

Contingent  
expenses of  
council pro-  
vided for.

**26.** The expenses attending the proceedings of the Council shall be accounted for by the Chief Superintendent as part of the contingent expenses of the Education Department.

## POWERS AND DUTIES OF THE COUNCIL.

Duties of  
council,

**27.** It shall be the duty of such Council, and it is hereby empowered:—

To appoint  
chairman, etc,

1. To appoint a chairman, and determine the times of its meetings, and the mode of conducting its proceedings;

2. To prepare and prescribe, from time to time, subject to the approval of the Lieutenant-Governor, a list of text-books, programme of studies and general rules and regulations for the organization and government of High Schools and Collegiate Institutes ;

To prescribe text-books, etc.

3. To make, from time to time, rules and regulations, subject to the approval of the Lieutenant-Governor in Council, for the distribution, within the restrictions imposed by this Act, of the High School Fund, among the several High Schools and Institutes entitled to receive it ;

To make rules and regulations—text-books.

4. To appoint Inspectors of High Schools, prescribe their duties, and fix their remuneration ;

High School Inspectors.

5. To prescribe from time to time by regulations (to be approved of by the Lieutenant-Governor) the subjects, times, and extent of the examinations which it shall be necessary for pupils to undergo in order to obtain admission into the High Schools and Collegiate Institutes, and also to determine the standard to be attained by each pupil at such examinations ;

Admission of pupils to High Schools.

6. To require the Central Committee, from time to time, appointed by the Council for the examination of Public School teachers, to prepare, under the direction of the Council, questions for the uniform examination of pupils for admission to High Schools and Collegiate Institutes ;

Papers for uniform examination.

7. To frame general regulations and instructions under which a High School Inspector may give a special certificate, to be valid for one year, to a senior pupil or pupils of a High School or Collegiate Institute, or other person or persons to act as monitor or assistant, or monitors or assistants in such High School or Collegiate Institute ;

Regulations for Normal and Model Schools. Special certificates to monitors or assistants.

8. To appoint two or more scrutineers to scrutinize the votes given for members of the Council and received at the Education Department ;

Scrutineers for election of members.

9. To direct the manner in which the notice issued by the Chief Superintendent for the time of holding an election of a Member of the Council to fill a vacancy, shall be given ;

Manner of giving notice for vacancy elections.

10. To designate, from time to time, subject to the approval of the Lieutenant-Governor, the number and locality of such meteorological stations as the Council may think desirable to establish in connection with the High Schools of the Province ; to authorize such forms of reports and meteorological journal to be used by the observers at such stations as it may judge necessary ;

Meteorological stations.

### B. *Management of the Normal Schools.*

11. To adopt all needful measures for the efficiency of the Normal Schools and Model Schools connected therewith, with a view to the instruction and training of teachers of Public Schools in the science of education and the art of teaching ;

Efficiency of normal and model schools.



Regulations	12. To make, from time to time, the rules and regulations necessary for the management and government of the Normal and Model Schools ;
Terms and conditions,	13. To prescribe the terms and conditions on which students and pupils will be respectively received and instructed in the Normal and Model Schools ;
Number and pay of teachers,	14. To determine the number and compensation of teachers, and of all others, who may be employed in said Schools.
Procure books and stationery	15. To direct the clerk of the Normal School to procure, at the discretion of the Council, the books and stationery for the Normal and Model Schools ;
Objects and interests.	16. To do all lawful things which the Council may deem expedient to promote the objects and interests of these schools ;
Examination of normal school students.	17. To require at the close of the session of any Normal School in the Province, an examination to be held of the students thereof, and to provide for such examination through the said central committee ;

*C. School Regulations. Qualifications of Inspectors and Examiners. Teachers' Examinations and Certificates.*

To make regulations for Public Schools and teachers.	18. To make regulations, from time to time, for the organization, government, and discipline of Public Schools, and for the classification of schools and teachers ;
Provide for teaching of special branches.	19. To provide, by the training of teachers, the programme of studies, and special regulations, for the teaching in the public schools of the elements, among other things, of natural history, agricultural chemistry, mechanics, and agriculture ;
Fix qualifications of Inspectors and examiners.	20. To prescribe from time to time the qualifications of county, city, or town inspectors (and of members of county or city boards of examiners of Public School teachers) ;
Grant Inspectors' and Examiners' certificate.	21. To determine the time and manner of examination of candidates for certificates of qualification as inspectors or examiners, and to grant to them on such examination certificates of qualification ;
Examination of Public School teachers.	22. To prepare and prescribe from time to time, by a Central Committee of its appointment, or otherwise, a programme, examination papers and regulations for the uniform examination and classification of Public School teachers, and of any person who has been trained at any Normal School or other Training Institution for Teachers, or who has been duly certificated or licensed by any recognized body as a School teacher in any part of the British Dominions ;
Certificates to students of any Normal School in British Dominions.	23. To award (upon the report of the Central Committee of examiners,) first-class certificates of qualification to public school teachers, under such regulations and programme as may be determined by said Council, and upon the report of such committee, to award second-class certificates to candidates for first-class certificates who come up to the standard for second class certificates,

certificates, but who fail to come up to the required standard for first-class certificates ;

*D. Text, Prize and Library Books—Superannuated Teachers—Report.*

24. To examine, and at its discretion, recommend or disapprove of text-books for the use of schools, or books for school libraries and prizes ;

To recommend text and library books.

25. To make regulations in regard to school libraries ;

26. To examine, or cause to be examined from time to time, any books, the names of which have not heretofore appeared in the catalogues of the Education Department, and which may be forwarded (with a statement of their prices) to the Department by booksellers or other parties, who may have the same for sale ;

Council to examine books sent by book sellers or others.

27. To determine whether such books ought or ought not to receive the sanction of the Council for libraries or prizes in the Public and High Schools, and Collegiate Institutes ;

Council to sanction Library and Prize books.

(a) The decision of the Council in respect thereof is, without delay, to be communicated to the said booksellers or other parties concerned ;

Decision.

(b) The books so forwarded are, on application, to be returned to the persons forwarding the same ;

Books returned

(c) The names and prices of the books when sanctioned shall be published in the next number of the *Journal of Education*, with the dates respectively at which the books were received at the Education Department and laid before the Council for examination ;

Lists to be published in the *Journal of Education*.

28. To prescribe with the approbation of the Lieutenant-Governor in Council, regulations, within the restrictions imposed by this Act, for granting pensions to superannuated or worn out teachers of Public and High Schools and Collegiate Institutes ;

To make regulations for granting pensions to superannuated teachers.

29. And to transmit annually, through the Chief Superintendent of Education to the Governor, to be laid before the Legislative Assembly, a true account of the receipt and expenditure of all moneys granted for the establishment and support of the Normal Schools.

Annual report to the Governor.

9. DISCRETIONARY POWERS OF THE COUNCIL.

28. It shall be competent for the Council, and it is hereby empowered :—

1. To resolve itself at any sitting thereof into a committee of the whole for the transaction of business ;

Committees of Council.

2. To appoint from time to time an Interim Committee of its own members, which, under regulations made by the Council, shall be authorized to exercise any of the functions of the Council itself during the intervals of its sessions ;

Interim Committee.

Council may  
inquire into  
school matters,  
and report.

3. To inquire into and report upon any matter connected with the administration of the school system, or with the interests of schools, which may be referred to the Council by the Lieutenant-Governor, or by the Chief Superintendent of Education ;

Additional  
qualifications  
of High School  
Masters.

4. To require persons who may be hereafter employed as Head Masters of High Schools and Collegiate Institutes to furnish, from time to time, in addition to the qualifications already required by law for Head Masterhips of High Schools and Collegiate Institutes, satisfactory evidence of their knowledge of the science and art of teaching, and of the management and discipline of schools ;

Restrictions.

(a) This clause shall not apply to any persons who have been employed as High School or Collegiate Institute Masters before the passing of this Act ;

Exemptions.

5. To exempt, at the discretion of the Council, any High School or Collegiate Institute (the trustees of which shall not have sufficient funds to provide the necessary qualified teachers) from the obligation to have the German and French languages taught in such school or institute ;

May permit  
the use of  
foreign books.

6. To give special permission, at the discretion of the Council, for the use in any Model or Public School of any foreign books in the English branches of education.

## PART II.—APPOINTMENT AND DUTIES OF THE CHIEF SUPERINTENDENT OF EDUCATION.

1. APPORTIONMENT TO HIGH SCHOOLS.—EXPENDITURE OF GRANT.
2. FORMS AND INSTRUCTIONS.—ESTABLISHMENT OF HIGH SCHOOLS.
3. LIBRARIES, MAPS, APPARATUS AND PRIZES.
4. SUPERVISION OF NORMAL SCHOOLS.—SCHOOL HOUSE PLANS.
5. MISCELLANEOUS GENERAL POWERS.
6. COUNCIL OF PUBLIC INSTRUCTION MATTERS.
7. REPORT.—METEOROLOGICAL INSTRUMENTS.
8. CERTAIN GRANTS AUTHORIZED.

### APPOINTMENT OF A CHIEF SUPERINTENDENT OF EDUCATION.

Chief Super-  
intendent to be  
appointed.

29. The Lieutenant-Governor may, from time to time, by Letters Patent, under the Great Seal of the Province, appoint a fit and proper person to be Chief Superintendent of Education for Ontario, who shall hold office during pleasure.

His responsi-  
bility to the  
Governor.

30. The Chief Superintendent shall be responsible to the Lieutenant-Governor and subject to his direction, communicated through any department of the Provincial Government.

DUTIES



## DUTIES OF THE CHIEF SUPERINTENDENT OF EDUCATION.

**31.** It shall be the duty of the Chief Superintendent of Education :—

## APPORTIONMENT TO HIGH SCHOOLS.—EXPENDITURE OF GRANT.

1. To apportion the High School Fund among the several High Schools and Collegiate Institutes, as provided by the *fifty-first\** and *fifty-third\** sections of this Act ; Apportion grant.
2. To notify each County Council, through the Clerk of the Council, of the apportionment of High School Fund to such county, and to certify the same for payment to the provincial treasurer ; Notify county clerk.
3. To see that the High School Fund apportioned by him is in all cases applied to the purposes hereinbefore prescribed ; To administer the law.
4. To see that each High School and Collegiate Institute is conducted according to law and to the general rules and regulations authorized by this Act ;

## FORMS AND INSTRUCTIONS.—ESTABLISHMENT OF HIGH SCHOOLS.

5. To prepare suitable forms and give such instructions as he judges necessary and proper for making all reports and conducting all proceedings under this Act ; To furnish Act, forms and regulations.
6. To cause the aforesaid forms, instructions, reports, copies of this Act, and of the general rules and regulations established and approved of as aforesaid, to be printed in a convenient form and transmitted to the parties required to execute the provisions of this Act ; Acts, rules, and regulations to be printed.
7. To make such report or recommendation to the Lieutenant-Governor, as he may judge necessary or expedient in regard to the decision of a County Council as to the establishment or discontinuance of any High School in a county ; Report to Lieutenant-Governor on establishment of High Schools, etc.

## LIBRARIES, MAPS, APPARATUS AND PRIZES.

8. To employ all lawful means in his power to procure and promote the establishment of school libraries for general reading, in the several counties, townships, cities, towns, and villages ; Establishing school libraries.
9. To apportion the moneys provided by the Legislature for the establishment and support of High and Public School Libraries and prizes, and in providing High and Public Schools with maps and apparatus ; Apportioning library grant.
- (a) No aid shall be given towards the establishment or support of any school library, and in providing prizes, maps and apparatus, Condition.

\* Clerical error as to sections, should be sixty-sixth and following sections.

apparatus, unless an equal amount be contributed and expended from local sources for the same object ;

Text Books

10. To use his best endeavours to provide for and recommend the use of uniform and approved text-books in the schools generally ;

#### SUPERVISION OF NORMAL SCHOOLS.—SCHOOL HOUSE PLANS.

To have the supervision of the Normal School.

11. To take the general superintendence of the Normal Schools ;

To give Normal School certificates.

12. To give, on the examination and report of the Central Committee of Examiners, to any person trained in any Normal School or other training institution for teachers, or who has been duly certificated or licensed by any recognized body as a school teacher in any part of the British Dominions, a certificate of qualification which shall be valid in any part of the Province until revoked ;

(a) No such certificate shall be given to any person who has not been a student in one of the Ontario Normal Schools, or who, if trained or licensed elsewhere, does not evidence by his certificate the extent of his ability and aptitude to teach to the satisfaction of the Chief Superintendent ;

Responsibility for moneys.

13. To be responsible for all moneys paid through him in behalf of the Normal and Model Schools, and to give such security for the same as the Lieutenant-Governor may require ;

To provide plans for school houses, and to disseminate useful informa-

14. To provide and recommend the adoption of suitable plans of school-houses, with the proper furniture and appendages ; and to collect and diffuse among the people of Ontario useful information on the subject of education generally ;

#### MISCELLANEOUS.—GENERAL POWERS.

15. To appoint :

May appoint a deputy.

(a) One of the clerks in the Education Department to be his deputy to perform the duties of his office in his absence ;

(b) One or more persons, as he, from time to time deems necessary, to inspect any school or schools, and inquire into and report to him upon any school matter ; such inspector, or other person or persons, shall be entitled to such remuneration out of any moneys appropriated by the Legislature for that purpose, as may be deemed just and equitable, considering the nature and extent of the duties to be performed ;

Remuneration.

(c) Proper persons to conduct county teachers institutes ;

Appoint conductors of teachers' institutes.

16. To furnish such rules and instructions as he may judge advisable in regard to the proceedings of such institutes, and the best means of promoting and elevating the profession of school teaching and increasing its usefulness ;

17. To direct the application of the balances of the school fund apportioned for any year which may be forfeited according to the provisions of this Act, towards making up the salaries of teachers in the county to which the same has been apportioned;

Forfeited  
balances.

18. To deduct (should the municipal corporation of any county, city town, or village, raise in any one year, a less sum than that apportioned to it out of the Legislative School Grant) a sum equal to the deficiency, from the apportionment to such county, city, town, or village in the following year;

Short municip-  
al assess-  
ment.

19. To see that all moneys apportioned by him are applied to the objects for which they were granted; and for that purpose, and, when not otherwise provided for by law, to decide upon all matters and complaints submitted to him which involve the expenditure of any part of the school fund;

All moneys to  
be applied to  
objects  
intended.

20. To lay before the Legislature, at each sitting thereof a correct and full account of the disposition and expenditure of all moneys which come into his hands as Chief Superintendent;

Account for  
moneys to  
Legislature.

#### COUNCIL OF PUBLIC INSTRUCTION MATTERS.

21. To provide a place for the meetings of the Council of Public Instruction;

Provide place  
and call  
Meetings.

(a) He may call a special meeting at any time, by giving due notice to the other members;

22. To forthwith appoint a time for the holding of an election to fill any vacancy which may arise among the elected members of the Council of Public Instruction (other than by the Colleges) and give one month's notice thereof, in such manner as may be directed by the Council of Public Instruction;

Vacancy in  
Council of  
Public In-  
struction.

23. To perform the duties in regard to the election of members of the Council of Public Instruction prescribed by the eighteenth and nineteenth sections of this Act, or to appoint the Deputy Superintendent or other officer of the Education Department, to perform these duties on his behalf;

May appoint  
deputy super-  
tendent or  
other officer to  
perform duties.

24. To transmit to the Public School Inspector of the county city, or town, the examination papers prepared by the central committee for the admission of pupils to High Schools and Collegiate Institutes, with such directions as he may judge necessary, and with any instructions, as to further *viva voce* examination which the Council of Public Instruction may desire to give;

High School  
examination  
paper to be  
transmitted to  
Inspector,

25. To prepare and lay before the Council of Public Instruction, for its consideration, such general regulations for the organization and government of Schools, and the management of school libraries, as he may deem necessary and proper;

To submit  
books, manu-  
scripts, and  
general regu-  
lations to the  
Council of  
Public In-  
struction.



Chief Super-  
intendent to  
issue cata-  
logues.

26. To submit to the Council of Public Instruction, all books or manuscripts which are placed in his hands, with the view of obtaining the recommendation or sanction of the Council for their introduction as text, library or prize books ;

27. To cause to be printed from time to time a catalogue,, showing the names and prices of all the books which are or may be sanctioned by the Council of Public Instruction for libraries and for prizes in the Collegiate Institutes, High and Public Schools ;

Additional  
catalogue.

28. To cause to be printed each half year a catalogue of any additional books which may be sanctioned by the Council for said purposes ;

Education  
Department to  
pay one-half  
of the cost of  
library and  
by prize books  
municipal and  
school corpo-  
rations.

29. To authorize the payment, out of any moneys appropriated by the Legislature for that purpose, of one-half of the cost of any prize or library book sanctioned by the Council of Public Instruction, for Public and High Schools and Collegiate Institutes which may be purchased by a Municipal or School Corporation from any bookseller or other parties, instead of at the Depository of the Education Department ;

(a) Such payment shall be made to the order of the Corporation purchasing any of the books specified in the catalogues or lists sanctioned by the Council, on the following conditions :—

Conditions.

1. The Chief Superintendent shall be duly certified of the facts ;

2. He shall be furnished with the usual guarantee as to the proper disposition of the books, which may be purchased elsewhere than at the Depository ;

3. He shall be furnished with certified vouchers of the cost, edition, and binding of the books so purchased elsewhere ;

4. He shall not pay more than one-half of the cost of the books so purchased elsewhere, according to the prices specified for them in the printed catalogues, or in the authorized lists of such books published in the *Journal of Education* ;

Correspond-  
ence of the  
council.

30. To prepare and transmit all correspondence directed or authorized by the Council of Public Instruction ;

#### REPORT—METEOROLOGICAL INSTRUMENTS.

To report  
annually on  
High Schools.

31. To make annually to the Lieutenant-Governor, on or before the first day of July a report of the actual state of the Normal, Model, High and Public Schools and Collegiate Institutes showing the amount of moneys expended in connection with each class of these schools and institute, and from what sources derived, with such statements and suggestions for improving the schools and the school laws, and promoting education generally, as he may deem useful and expedient ;

(a) He shall also present in such report the journals or abstracts of them which the meteorological station-observers are required by this Act to keep

32. To procure the meteorological instruments, register books and forms mentioned in the eighty-fifth section of this Act, at the request and expense of the municipality of any county or city in which a meteorological station is, or may be, established.

Meteorological  
Instruments.

33. The Chief Superintendent of Education shall have authority should he deem it expedient :

1. To refer, at his discretion, to the Council of Public Instruction for its inquiry into, and report upon, any matter connected with the administration of the School System, or with the interests of schools ;

School matters  
may be referred  
to Council.

2. To decide upon all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any Inspector or other school officer ;

Settle disputes  
and complaints.

3. To submit a case on any question arising under the High or Public School Acts, to any judge of either of the Superior Courts for his opinion and decision, or, with the consent of such judge, to either of the Superior Courts, for their opinion and decision ;

Submit case to  
Judges of  
Superior Court  
for decision.

4. To appeal within one month after the rendering of judgment in any case in which inspectors, trustees, teachers and others acting under the provisions of the School Acts are parties, from the decision of a division court judge to either of the Superior Courts of law at Toronto, by serving notice in writing of such appeal upon the clerk of the division court appealed from, which appeal shall be entitled "The Chief Superintendent of Education for Ontario, Appellant, in the matter between (A. B. and C. D.);"

Appeal to  
Superior  
Courts.

(a) All costs awarded against the appellant, and all costs incurred by him, shall be paid by the Chief Superintendent, and charged as contingent expenses of his office.

Payment of  
costs.

#### CERTAIN GRANTS AUTHORIZED.

1. *Under the authority of the Council of Public Instruction.*
2. *Through the Chief Superintendent of Education.*

33. Out of any grants made from time to time in aid of Public and High Schools, the Lieutenant-Governor may authorize the expenditure annually of such sums as may from time to time be voted by the Legislative Assembly for the purposes following:—

Certain grants  
authorized.

1. *Under the authority of the Council of Public Instruction.*

1. For the salaries of officers, and other contingent expenses of the Normal Schools ;

Under the re-  
gulations of  
the Council of  
Public  
Instruction.

2. For facilitating the attendance of teachers in training at the Normal Schools ;

3.

3. For the support of the Normal and Model Schools;
4. For the payment of Inspectors of High Schools and Collegiate Institutes;
5. For the support of Superannuated Public and High School teachers;

2. *Through the Chief Superintendent of Education.*

- |  |   |
|--|---|
| Through the Chief Superintendent of Education. | 6. For the purchase, from time to time, of books, publications, specimens, models, and objects, suitable for a Canadian library and museum, to be kept in the Normal School buildings at Toronto, and to consist of books, publications, and objects relating to education and other departments of science and literature, and specimens, models, and objects illustrating the physical resources and artificial productions of Canada, especially in reference to mineralogy, zoology, agriculture, and manufactures; |
| Museum   |   |
| Journal of Education.                          | 7. For supplying a copy of the <i>Journal of Education</i> to every School Corporation, and every School Inspector;   |
| Libraries.                                     | 8. For the establishment and support of libraries in connection with the Schools;   |
| Prizes, maps, and apparatus.                   | 9. For providing the Schools with maps and apparatus and prizes upon the same terms, and in the same manner as books are provided for School libraries;   |
| Depository clerks.                             | 10. For the payment of a salesman and assistant clerks of the public library, prize, map and school apparatus depositories, in connection with the Department of Public Instruction;  |
| Teachers' Institutes.                          | 11. For the encouragement of Teachers' Institutes;  |
| School architecture.                           | 12. For procuring plans and publications for the improvement of School architecture and practical science, in connection with Schools;  |
| Poor Schools.                                  | 13. For special aid to Public Schools in new and poor townships.  |

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### PART III.—HIGH SCHOOLS AND THEIR DISTRICTS.

1. EXISTING DIVISIONS—AGREEMENTS.
2. NAME OF HIGH SCHOOL—PLACE OF HOLDING THE SCHOOL—ITS DISCONTINUANCE.
3. HIGH SCHOOL DISTRICTS TO BE DEFINED.
4. ESTABLISHMENT OF NEW HIGH SCHOOLS.
5. POWERS OF BOARDS IN HIGH SCHOOL DISTRICTS.
6. CITIES AND TOWNS SEPARATED TO BE COUNTIES.
7. HIGH SCHOOL DISTRICTS IN TOWNS SEPARATED.

#### 1. EXISTING DIVISIONS—AGREEMENTS.

Existing High School organizations continued.

34. All High School and Collegiate Institute divisions and districts, together with all elections and appointments to office, all agreements, contracts, assessments, and rate-bills, heretofore duly



duly made in relation to High Schools and Collegiate Institutes, and existing when this Act comes into force, shall continue subject to the provisions of this Act.

## 2. NAME OF HIGH SCHOOL—PLACE OF HOLDING THE SCHOOL—ITS DISCONTINUANCE.

**35.** There shall be a High School or High Schools or Collegiate Institute in every county and union of counties, to be distinguished by prefixing to the words High School or Collegiate Institute the name of the city, town, or village within the limits of which any High School or Institute may be situate.

Name of each  
County High  
School.

**36.** The place of holding any High School in a county or union of counties may be changed at the end of the then civil year by the council of the county within which it is established, by a by-law or resolution passed for that purpose at or before the June session, and approved of by the Lieutenant-Governor on the report and recommendation of the Chief Superintendent.

Place of  
holding.

**37.** Every County Council, at or before its June Session in any year, but not later, shall have authority (with the concurrence of the Lieutenant-Governor, on the report and recommendation of the Chief Superintendent of Education) to decide upon the discontinuance, at end of the then civil year, of any existing High School in any part of the County within the jurisdiction of the said County Council.

Discontin-  
ance of High  
School.

## 3. HIGH SCHOOL DISTRICTS TO BE DEFINED.

**38.** Every County Council shall, from time to time, determine the limits of a High School District for each High School or Collegiate Institute, existing in the county and within its municipal jurisdiction.

High School  
districts to be  
defined.

**39.** Any County Council may (under the restrictions prescribed in the next succeeding section) form a village or town, and the whole or part of one or more adjoining townships, within its jurisdiction, into a new or additional High School District in the county.

Districts for  
new Schools.

## 4. ESTABLISHMENT OF NEW HIGH SCHOOLS.

**40.** No additional High School shall be established by a County Council in any county, except at or before its June session in any year, and unless the High School Fund shall be sufficient to allow of an apportionment at the rate of not less than four hundred dollars per annum to be made to such

Establishment  
of new High  
Schools—re-  
striction

such additional School, without diminishing the fund which was available for High Schools during the next preceding year ;

(a) Within this restriction it shall be lawful for the Lieutenant-Governor, on the report and recommendation of the Chief Superintendent of Education, to authorize the establishment of an additional High School in any County at the end of the then civil year.

#### 5. POWERS OF BOARDS IN HIGH SCHOOL DISTRICTS.

Powers of  
Boards.

**41.** The High School or Collegiate Institute, Board of any district formed by the County Council, shall possess all the powers within the said district for the support and management of the High School or Institute, and in respect to the County Council, as are possessed under this Act by High School Boards generally in respect to the support and management of the High Schools under their care.

#### 6. HIGH SCHOOL DISTRICTS IN CITIES AND TOWNS SEPARATED.

Cities to be  
Counties for  
High School  
purposes.

**42.** Every city, and every town separated for municipal purposes from the county in which it is situated, and the High School District of every town separated, shall, for all High School purposes, be a county; and its Municipal Council shall be invested with all the High School powers possessed by County, City or Town Councils.

High School  
districts for  
towns separated.

**43.** In case of High Schools situated in towns separated from the jurisdiction of a County Council, it shall be lawful for such Council, and the Council of the town, by such joint action as may be agreed upon, to unite the whole, or any part of an adjoining township, or adjoining townships, with such town so as to form a High School District, upon such terms and conditions, and for such period as may be mutually concurred in ;

Terms and  
conditions,

(a) Such district, when formed, shall be within the jurisdiction of the Town Council and High School Board for all High School purposes.

### PART IV.—MUNICIPAL COUNCILS AND THEIR DUTIES.

#### 1. OBLIGATORY MUNICIPAL ASSESSMENT FOR HIGH SCHOOLS.

1. *County and City.*
2. *City, Town, Town separated, Village and Township.*
3. *High School Districts.*

#### 2. VOLUNTARY MUNICIPAL ASSESSMENTS.

#### 3. MONEYS TO BE PAID TO TREASURER.

#### 4. TREASURER'S ACCOUNTS TO BE AUDITED.

## 1. OBLIGATORY MUNICIPAL ASSESSMENT FOR HIGH SCHOOLS.

**44.** A sum equal to one-half of the amount paid by the Government to any High School or Collegiate Institute in a city or town withdrawn from the jurisdiction of the county, together with such other sums as may be required for the accommodation and support of such school, shall be provided by the Municipal Council of such city or town, upon the application of the High School Board.

Equivalent to grant.

**45.** In the case of a High School in a town not withdrawn from the county, or in an incorporated village or township, one-half of the amount paid by the Government, shall be paid by the Municipal Council of the County in which such High School or Collegiate Institute is situated, upon the application of the High School Board; and such other sums as may be required for the maintenance and school accommodation of the said High School, shall be raised by the Council of the Municipality in which the High School is situated, upon the application of the High School Board; or, in the event of the County Council forming the whole or part of a county into one or more High School District, then such other sums as may be required for the maintenance of the said High School shall be provided by the High School District, upon the application of the High School Board; such sums shall be raised in the manner provided in the next section.

County to pay equivalent.

High School Districts to raise other sums.

**46.** The council of any municipality, or the councils of the respective municipalities, out of which the whole or part of such High School District is formed, shall, upon the application of the High School Board, raise the proportion required to be paid by such municipality or part of the municipality, from the whole or part of the municipality, as the case may be.

Manner.

## 2. VOLUNTARY MUNICIPAL ASSESSMENTS.

**47.** The Council of every county, city, and town separated from the county for municipal purposes, may pass by-laws for the following purposes :—

1. For making provision by local assessment, in addition to that required to be made by this Act, for procuring sites for High Schools, for renting, building, repairing, furnishing, warming, and keeping in order High School houses and their appendages, grounds, and enclosures;

Aiding High Schools.

2. For obtaining within the county, or in any city or town separated from the county, as the wants of the people may most require, the real property requisite for erecting High School houses thereon, and for other High School purposes, and for preserving, improving, and repairing such High School houses,

Lands for High Schools



houses, and for disposing of such property when no longer required;

Additional provision.

3. For making provision (additional to that required to be made by this Act) in aid of such High Schools, as may be deemed expedient by the Council;

Pupils competing for University prizes.

4. For making a permanent provision for defraying the expenses of the attendance at the University of Toronto, and at the Upper Canada College and Royal Grammar School there of such of the pupils of the High Schools or Collegiate Institutes of the county as are unable to incur the expense, but are desirous of, and in the opinion of the respective masters of such High Schools, or Collegiate Institutes possess competent attainments for competing for any scholarship, exhibition, or other similar prize, offered by such university or college;

Attendance at High School.

5. For making similar provisions for the attendance at any High School or Collegiate Institutes, for like purposes, of pupils of the Public Schools of the municipality;

Endowing fellowships.

6. For endowing such fellowships, scholarships, or exhibitions, and other similar prizes, in the University of Toronto, and in the Upper Canada College, and Royal Grammar School there, for competition among the pupils of the High Schools of the county, as the council deems expedient for the encouragement of learning amongst the youths thereof.

### 3.—MONEYS TO BE PAID TO TREASURER.—AUDITED ACCOUNTS.

Moneys to be paid to treasurer.

**48.** All moneys raised in any Municipality or High School District, by local assessment, subscription, fees or otherwise, under the authority of this Act, shall be paid over to the High School Treasurer in such municipality or district;

(a) All local assessments and subscriptions for the support of High Schools or Collegiate Institutes shall be payable on or before the fourteenth day of December in every year.

Audit of High School treasurer's accounts.

**49.** The Treasurer of every High School Board shall give security to the board appointing him for the due and faithful performance of his duties, and shall submit his accounts to the Municipal Auditors to be audited by them in the same manner as the Municipal Treasurer's accounts are audited;

(a) It shall be the duty of the Municipal Auditors to audit such accounts of the Treasurer.

## PART V.—HIGH SCHOOL TRUSTEES AND THEIR DUTIES.

### 1. APPOINTMENT OF HIGH SCHOOL TRUSTEES.

1. *In a city*
2. *In towns and villages.*
3. *In a town separated.*
4. *Retiring trustees.*

2. POWERS AND DUTIES OF HIGH SCHOOL AND COLLEGIATE INSTITUTE TRUSTEES.
3. UNION OF HIGH AND PUBLIC SCHOOLS.
4. ADMISSION OF PUPILS TO HIGH SCHOOLS—NON-RESIDENTS.

#### 1.—APPOINTMENT OF HIGH SCHOOL TRUSTEES.

**50.** The Council of every city shall, from time to time, ap- City and town to ap- point six trustees.  
point, in the manner provided by this Act, a board of trustees for the High School, or Collegiate Institute, within its jurisdiction, consisting of six fit and proper persons.

**51.** When, and so long as the only High School of the Restriction.  
county is situated within a city, the Council of such county shall appoint one half of the trustees of such High School.

**52.** Every County Council shall, from time to time, select County council to appoint three trustees.  
and appoint three fit and proper persons as trustees of each High School or Collegiate Institute situated in a town not separated from the county for municipal purposes, or in an incorporated village;

(a) The corporation of the town or incorporated village, Town and village council to appoint three trustees.  
within the limits of which the High School or Collegiate Institute is or may be situated, shall also, from time to time, appoint three fit and proper persons as trustees of such High School, one of whom, in the order of their appointment in each case, shall annually retire from office on the thirty-first day of January in every year.

**53.** The County Council may from time to time appoint and County council to appoint six trustees in villages.  
determine the continuance and succession in office, in the manner hereinafter provided, of six duly qualified persons as members of the High School board of any High School established in an unincorporated village, with the sanction of the Lieutenant-Governor.

**54.** In case a County Council shall, in any year, raise by Appointment of High School trustees in towns separated.  
assessment the equivalent of at least one-half of the amount of the Legislative Grant which may be made to a High School or Collegiate Institute, situated in a town separated from the municipal jurisdiction of such Council, it shall be lawful for such Council to appoint, for the ensuing year, one-half of the trustees of the High School or Collegiate Institute;

1. Should the County Council not raise such equivalent, Alternative condition.  
then the whole of the trustees of such High School shall be appointed by the Municipal Council of the town concerned.

**55.** The members of every High School, or Collegiate Institute Board in office at the time this Act comes into force, shall Continuance in office.  
continue

Rotation.

continue in office as such trustees, as herein provided (unless a vacancy occurs, for which provision is hereinafter made) and on the thirty-first day of January then next, and annually, on the thirty-first day of January in every year, two of the members of such board for the time being, shall retire from said board in rotation, according to seniority in office.

Mode of filling vacancies.

**56.** Any occasional vacancy in a High School, or Collegiate Institute, Board, arising from death, resignation, removal from the municipality, or otherwise, of a trustee, shall be filled up by the county, city, town, or village council, as the case may be; provided that the person appointed to fill such occasional vacancy shall hold office only for the unexpired part of the term for which the person whose place shall have become vacant was appointed to serve.

City and town separated to appoint trustees.

**57.** Except in the cases provided for in the fifty-first and fifty-fourth sections of this Act, the council of every city and town separated from the county for municipal purposes, at the first meeting to be held after the first day of January in each year, shall appoint two trustees to fill the vacancies caused by the annual retirement of that number of trustees from the High School, or Collegiate Institute, Board.

County, town, and village to appoint trustees.

**58.** The council of every county, the council of every town not separated from the county for municipal purposes, and the council of every incorporated village, as the case may be, at their first meetings to be held after the first day of January in each year, shall each appoint one trustee to fill the vacancies caused by the annual retirement of two trustees of the High School, or High Schools, or Collegiate institute, within their jurisdiction.

Retiring trustees.

**59.** Any retiring trustee of a High School may, with his own consent, be re-appointed to office by a municipal council;

(a) All trustees for the time being shall hold office until their successors are appointed.

## 2. POWERS AND DUTIES OF HIGH SCHOOL AND COLLEGIATE INSTITUTE TRUSTEES.

High School trustees to be a corporation.—Powers.

**60.** The trustees of every High School, or Collegiate Institute, shall be a corporation, by the name of "The High School, (or Collegiate Institute) Board," prefixing to the term "High," or "Collegiate Institute," the name of the city, town, or incorporated village, within which such High School or Collegiate Institute is situated, and shall have and possess all the powers usually enjoyed by corporations, so far as the same are necessary for carrying out the purposes of this Act.



1. *Appoint officers—Take charge—Erect and repair houses.*
2. *Apply for moneys—Appoint teachers—Conduct school—Report.*

**61.** It shall be the duty of the trustees of every High School or Collegiate Institute Board, three of whom shall form a quorum for the transaction of business ;

1. To meet annually at or near the place where each school under their charge is held, on the first Wednesday in February in each year.

1. *Appoint officers.—Take charge.—Erect and repair houses.*

2. To appoint annually, or oftener, from amongst themselves a chairman of the board ;

3. To fix the times and places of the board meetings, the mode of calling and conducting them, and of keeping a full and correct account of the proceedings of such meetings ;

4. To take charge of the High School or Collegiate Institute for which they have been appointed trustees, and the buildings and lands appertaining to it ;

5. To do whatsoever they may deem expedient with regard to erecting, repairing, warming, furnishing, and keeping in order the buildings of such School or Institute and its appendages, lands, and enclosures belonging thereto ;

2. *Apply for moneys—Appoint teachers—Conduct school—Report.*

6. To apply (as the case may be) to the municipal council of the city, or of the town separated from the county for municipal purposes, for such sum or sums which said board may require for the support, management, and school accommodation, and other necessary expenses of their High School or Collegiate Institute, and which said Council is required by this Act to raise by local assessment for these purposes ;

(a) The Board of a High School district shall apply to the council of the municipality, or councils of the respective municipalities, out of which the whole, or part of the High School district is formed, for such sums as are authorized by the forty-fifth section of this Act ;

7. To apply to the councils of the municipalities mentioned in the forty-seventh section of this Act, for any additional moneys which said Councils may raise for High School or Collegiate Institute purposes, under the authority of this Act ;

8. To settle the amount to be paid by parents and guardians for each pupil attending the School or Institute, and to fix the times of payment, and apply the moneys received therefor as they

Duties of the board of High School trustees.

To appoint Chairman, &c.

To fix meetings of the Board.

To take charge of County High School.

To erect, repair, and furnish schools, &c.

Councils to supply additional funds.

To collect fees.

they may judge expedient towards making up the salaries of teachers, providing the proper apparatus, maps, text, library and prize books, daily and general entrance registers, and defraying any other necessary expenses of the School or Institute; and they may sue for and recover such amounts, and, when collected, the same shall be paid over to the treasurer of the said High School or Collegiate Institute Board;

To give orders  
on treasurer  
for salaries  
and expenses.

9. To give the necessary orders upon the municipal treasurer for the amount of public money to which the School is entitled, and upon their own treasurer for any moneys in his hands, for the payment of the salaries of the masters, teachers, and other officers and servants of the School or Institute, and of any other necessary expenses;

To appoint  
and remove  
Masters,  
Teachers.

10. To remove, if they see fit, and in case of vacancies, appoint a legally qualified master and other teachers, of competent ability and good morals, in the School or Institute, and to fix their salaries and prescribe their duties;

Officers and  
servants.

11. To appoint such other officers and servants in the School or Institute as they may judge expedient, and fix their remuneration;

Give instruction  
in all the  
higher branches.

12. To make provision for giving to both male and female pupils in their High School or Collegiate Institute, by legally qualified teachers of competent ability and good morals, instruction in all the higher branches of a practical English and commercial education, including the natural sciences, with special reference to agriculture, the elements of mathematics, natural philosophy and mechanics, and also for giving instruction in the Latin, Greek, French, and German languages, (to those pupils whose parents or guardians may desire it,) so far as to prepare students for University College, or any college affiliated to the University of Toronto—according to a programme of studies, general rules and regulations, which shall be prescribed from time to time by the Council of Public Instruction, with the approval of the Lieutenant-Governor;

Conduct of  
school.  
Text-books.

13. To see that their School or Institute is conducted according to the provisions of this Act, and of the general rules and regulations provided under its authority; that the pupils of the School or Institute are supplied with proper text-books; and that public half-yearly examinations of the pupils are held, and due notice given of them;

Examinations

To make an  
annual report  
to chief superintendent.

14. To prepare and transmit, before the fifteenth day of January, to the Chief Superintendent of Education, an annual report, in accordance with a form of report which shall be provided by him for that purpose, and which report shall contain a full and accurate account of all matters appertaining to the School or Institute.

3. *Preparatory classes, or schools.*

**62.** It shall be competent for the Board of Trustees of any High School or Collegiate Institute;

1. To establish a preparatory school, class or classes for the preparation of pupils for admission to such High School or Collegiate Institute; Preparatory classes.

(a) No master or teacher employed in the High School or Collegiate Institute shall teach in such preparatory school, class, or classes; Proviso as to teaching.

(b) No part of the Legislative grant or of the County assessment for High School or Collegiate Institute purposes shall be applied toward the expenses of the establishment, teaching or maintenance of such preparatory school, class or classes; As to grant.

(c) No additional local assessment for High School or Collegiate Institute purposes shall be applied towards such expenses without the consent of the Council of the Municipality, in which the High School or Collegiate Institute is situated; As to assessment.

## 3. UNION OF PUBLIC AND HIGH SCHOOLS.

**63.** In all cases of the union of High School (or Collegiate Institute) and Public School Trustee Corporations now existing, all the members of both Corporations shall constitute a joint Board, and shall, as long as the union exists, be a Corporation, under the name of *The Board of Education for the City*; (Town or incorporated Village of \_\_\_\_\_, or in School Section, No. \_\_\_\_\_ in the Township of \_\_\_\_\_, as the case may be); Case of union of High and Public School Trustees provided for.

(a) Seven of the members of the Board shall form a quorum; and such Board shall have the powers of the Trustees of both the Public and High Schools. The Board shall furnish the Chief Superintendent with the lists specified in the fifteenth and seventeenth sections of this Act, and may, at its discretion, supplement the pension granted to any teacher, by the Council of Public Instruction; Quorum, &c.

(b) The union may be dissolved at the end of any year by resolution of a majority present at any lawful meeting of the said Board of Education called for that purpose; Union may be dissolved.

(c) On the dissolution of such union, the school property held or possessed by the Board of Education at the time shall be divided or applied to school purposes, as may be agreed upon by a majority of the Public School Trustees and of the High School (or Collegiate Institute) Trustees respectively, present at meetings called for that purpose; or if they fail so to agree within the space of six months after such dissolution, then the division shall be made by the Municipal Council of the city, town, or incorporated village within the limits of which such Public and High Schools (or Collegiate Institute) are situated; and, should the High School be situated in a School Section or unincorporated village, the division in case of Disposition of School property. By whom made.



of failure and agree as aforesaid) shall be made by the County Council;

Public School not to be united with High School.

(d) After the first day of July, one thousand eight hundred and seventy-four, no Public School or department thereof shall be united with a High School or Collegiate Institute.

#### 4. ADMISSION OF PUPILS TO HIGH SCHOOLS—NON-RESIDENTS

Board of examiners for the admission of pupils.

**64.** The county, city or town Inspector of Schools, the Chairmen of the Public and High School or Collegiate Institute Boards, and the Head Master of the High School or Collegiate Institute shall constitute a board of examiners for the admission of pupils to the High School or Collegiate Institute, as follows :

Papers and instructions to be sent.

1. The papers of questions prepared for the uniform examination of pupils for admission to High Schools and Collegiate Institutes, by the Central Committee appointed by the Council of Public Instruction, (with the value assigned to each question, and with directions from the Chief Superintendent of Education or Instruction, as to any further examinations which the Council may desire to be made *viva voce*) are to be transmitted by the Chief Superintendent to the Inspector of Public Schools of the city (in case of a city), or of the county (in case of a county), or of a town in the territorial limits of the county ;

Provisional admission.

2. The local Board of Examiners shall have authority to admit provisionally any pupil who shall have duly passed the required examination under the regulations prescribed by this Act, and directions given by the Chief Superintendent ;

Inspector's return to Chief Superintendent.

3. The Inspector shall prepare a return (in a form to be provided for that purpose) with respect to every examination ; and he shall forward the return, together with the answers of the pupils, to the Chief Superintendent of Education within ten days after the examination, in order that the same may be considered and reported upon to the Chief Superintendent by the Central Committee ; and the Committee shall report thereon, and confirm, disallow, or cancel the admission of any pupil, or may require of any pupil further tests of proficiency in any subject of the prescribed programme of examination ;

Central Committee.

Inspector may appoint a person to preside.

4. Where, in any county or union of counties there is a Collegiate Institute, as well as a High School, or where there are in any county or union of counties more High Schools than one, or where from illness or other unavoidable cause the Public School Inspector is not able to attend in person, he may appoint another duly qualified person to act as presiding examiner in his place at the examination of candidates for admission to any High School or Collegiate Institute ;

Duties and allowance.

5. The person so appointed shall be bound by the same regulations as if he were the presiding Inspector, and shall be entitled to the like remuneration for his attendance ; and at the close of the examination he shall (if a member of the local Board of Examiners) lay before the Board, or (if he be not such member)

member) he shall forthwith deliver, or transmit to the Inspector, to be laid before the Board, the Examination Papers and answers of the candidates ;

6. The County Inspector, for the services performed by him in a county or village under this section, shall be paid by the Council of the county the same remuneration for his time, travelling and other expenses, as a member of the County Council receives, and such additional allowance as may be determined by such Council ;

Inspector.  
Duties and  
pay.

7. The city or town Inspector shall be paid by the Public School Board of such city or town a sum at the rate of five dollars per day while engaged in the examination ;

8. The County Council, or city or town Board, aforesaid, (as the case may be), shall respectively provide for the payment of the Inspector, and also of the contingent expenses of the examination, as certified by the Board of Examiners ;

Contingent  
expenses.

9. The inspectors of High Schools shall see that the regulations and programme of examination, provided by the Council of Public Instruction, are duly observed in the admission of pupils to the High Schools and Collegiate Institutes.

Inspector to  
see to observ-  
ance of Regu-  
lations.

**65.** Pupils residing in any part of the county or union of counties, shall have the right to attend any of the High Schools or Collegiate Institutes in the county or union of counties, upon the same terms as to payment of fees, or otherwise, as pupils resident in the town, incorporated village, or school division, within which the High School or Collegiate Institute is situated ;

Admission of  
pupils from  
county.

(a) This section shall not apply to High Schools or Collegiate Institutes in cities or in towns separated from the county or union of counties, unless the county council shall provide the required equivalent to the legislative grant.

Exception.

## PART VI.—HIGH SCHOOL GRANTS AND OTHER MONEYS.

1. BASIS OF APPORTIONMENT TO HIGH SCHOOLS.
2. GRANT PAYABLE HALF-YEARLY.
3. CONDITION OF PAYING HIGH SCHOOL GRANT.

### 1. BASIS OF APPORTIONMENT TO HIGH SCHOOLS.

**66.** The High School Grant shall be exclusively applied in aid of High Schools and Collegiate Institutes conducted according to law, and shall be apportioned to each high school and collegiate institute, upon the basis, as compared with other high schools and collegiate institutes, of the length of time each such high school or collegiate institute is kept open, of the daily average attendance of pupils at such high school or collegiate institute, and of their proficiency in the various branches of study named in the programme of studies and general regulations prescribed

Basis of appor-  
tionment to  
the High  
Schools.

scribed according to law for High Schools and Collegiate Institutes.

Inspectors to see to the admission of pupils.

**67.** The attendance of pupils at every High school and Collegiate Institute shall be certified by the head master and trustees thereof, and shall be verified by an inspector of High Schools.

Apportionment to each High School.

**68.** The sums of money apportioned out of the High School Grant shall be distributed amongst the several High Schools and Collegiate Institutes within the restrictions imposed by this Act, and under such rules and regulations as may from time to time, be made by the Council of Public Instruction, and approved by the Lieutenant-Governor.

## 2. GRANT PAYABLE HALF-YEARLY.

High school apportionment payable half-yearly.

**69.** The sums of money apportioned to each High School and Collegiate Institute, shall be payable half-yearly to the treasurer of the county entitled to receive it, in such manner as may be determined by the Lieutenant-Governor.

## 3. CONDITION OF PAYING HIGH SCHOOL GRANT.

High School Fund to be expended on Teachers' salaries only.

**70.** All moneys apportioned to a High School or Collegiate Institute by the Chief Superintendent, together with a sum, at least equal to one-half of the amount thus apportioned to such school, raised under the authority of this Act, by local municipal assessment, shall be expended in the payment of the salaries of masters and teachers, and for no other purpose.

Condition of sharing in High School fund.

**71.** No High School or Collegiate Institute shall be entitled to receive any part of the High School fund which is not conducted according to this Act and to the programme, rules and regulations provided by law; nor unless a sum shall be provided from local sources, exclusive of fees, at least equal to half of the sum apportioned to such school or institute, and expended in the payment of teachers' salaries.

## PART VII.—HIGH SCHOOL AND COLLEGIATE INSTITUTE MASTERS.

1. HEAD MASTERS TO BE UNIVERSITY GRADUATES.
2. SETTLEMENT OF DISPUTES.
3. SUPERANNUATION ALLOWANCE.
4. ENTITLED TO HOLIDAY VACATION. CASES OF SICKNESS.
5. REGISTERS.



## 1. HEAD MASTERS TO BE UNIVERSITY GRADUATES.

**72.** After the passing of this Act no person shall be deemed to be legally qualified to be appointed head master of a High School or Collegiate Institute unless he be a graduate in arts of some university within the British dominions, and furnish satisfactory evidence to the Council of Public Instruction of his knowledge of the science and art of teaching, and of the management and discipline of schools; but any person legally qualified and employed as head master in any High School or Collegiate Institute before the passing of this Act, shall be deemed qualified notwithstanding this section.

Head Masters  
to be Uni-  
versity Gradu-  
ates.

## 2. SETTLEMENT OF DISPUTES.

**73.** All matters of difference between trustees, masters and teachers of High School and Collegiate Institutes, in regard to salary or other remuneration, shall be brought and decided in the Division Court, by the judge of the County Court, in each County: Provided always that the decision of any County judge in such cases may be appealed from, as provided for in the Public School Act.

Settlement of  
disputes.

**74.** In pursuance of a judgment or decision given by a Division Court Judge in a Division Court, under the authority of the foregoing section, and not appealed from, execution may issue from time to time, to recover what may be due of the amount which the judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder.

Division Court  
judgment may  
be enforced.

## 3. SUPERANNUATION ALLOWANCE.

**75.** Every teacher who, while engaged in his profession, contributes to the Superannuated Teachers' Fund as provided by law, shall, on reaching the age of sixty years, be entitled to retire from the profession at his discretion, and receive an allowance or pension at the rate of six dollars per annum for every year of such service in Upper Canada or Ontario, upon furnishing to the Council of Public Instruction satisfactory evidence of good moral character, of his age, and of the length of his service as a Public or High School teacher in Upper Canada or Ontario;

Right of  
teachers to  
retire.

Pension on  
reaching 60  
years of age.

Condition of  
pension.

1. Such pension may be supplemented out of local funds by any Municipal Council or Public or High School Board or Board of Education, at its pleasure.

Supplementing  
pensions.

**76.** Every teacher under sixty years of age who has contributed as aforesaid and who is disabled from practising his profession, shall be entitled to a like pension, or local supplementary

Teachers  
under 60.

mentary

mentary allowance, upon furnishing the like evidence, and upon furnishing to the Council from time to time, in addition thereto, satisfactory evidence of his being disabled.

\$1 per annum  
extra to cer-  
tain teachers.

**77.** Every teacher entitled to receive an allowance from the Superannuated Teachers' Fund, who holds a first-class or second-class Provincial Certificate, or who is an authorized head master of a High School or Collegiate Institute shall, in addition to said allowance or pension, be entitled to receive a further allowance at the rate of one dollar per annum for every year of service while he held such certificate, or while he acted as Head Master of a High School or Collegiate Institute.

Proviso in re-  
gard to good  
moral charac-  
ter.

**78.** The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the pensioned teacher fail to maintain a good moral character, to be vouched for (when required) to the satisfaction of the Council of Public Instruction.

Resume pro-  
fession.

**79.** If any pensioned teacher shall, with the consent of the Council, resume the profession of teaching, the payment of his allowance shall be suspended for the time of his being so engaged; and, in case of his again being placed by the Council on the superannuation list, a pension for the additional time of teaching shall be allowed him, on his compliance with the law and regulations.

#### 4. ENTITLED TO HOLIDAYS AND VACATIONS. CASES OF SICKNESS.—REGISTERS.

Conditions to  
entitle Teach-  
ers to share in  
the fund.

**80.** No teacher shall be entitled to share in the said fund unless he has contributed to such fund the sum of four dollars or more per annum, for and during the period of his teaching school.

Teacher en-  
titled to holi-  
days and  
vacations.

Case of sick-  
ness.

Four weeks  
allowed.

**81.** Every master or teacher of a Public or High School or Collegiate Institute, shall be entitled to be paid his salary for the authorized holidays occurring during the period of his engagement with the trustees, and also for the vacations which follow immediately on the expiration of the school term during which he has served, or the term of his agreement with such trustees;

(a) In case of sickness, certified by a medical man, he shall be entitled to his salary during such sickness for a period at the rate of not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees.

Vacation from  
1st July to  
15th August in  
High Schools.

**82.** The summer vacation in the High Schools and Collegiate Institutes shall be from the first day of July until the fifteenth day of August inclusive.

**83.** Every master of a Public or High School or Collegiate Institute, shall keep, in the prescribed form, general entrance and daily class registers, and he shall record therein the admission, promotion, removal, or otherwise, of the pupils in his school;

Teachers  
general and  
class register.

(a) The said registers shall be provided at the expense of the school by the trustees thereof.

**84.** The master of every High School or Collegiate Institute at which a meteorological station is, or may be, authorized, as provided by this Act, shall make the requisite observations for keeping, and shall keep a meteorological journal embracing such observations, and kept according to such form as they may from time to time be directed by the Council of Public Instruction; and all such journals or abstracts of them shall be sent monthly by such master to the Chief Superintendent of Education.

Masters of  
certain High  
Schools shall  
make and  
transmit meteorological  
observations.

**85.** Every authorized High School or Collegiate Institute meteorological station, shall be provided, at the expense of the county, city, or town with the following instruments:—

Meteorological  
instruments.

One barometer; one thermometer for the temperature of the air; one Daniel's hygrometer, or other instrument for showing the dew-point; one rain-gauge and measure; one wind-vane; books for registering observations, and forms and abstracts therefor.

**86.** Every High School and Collegiate Institute meteorological station at which the daily observations are made, as required by law, shall be entitled to an apportionment, additional to that made to the High School out of the High School Fund, at a rate not exceeding fifteen dollars per month for each consecutive month during which such duty is performed, and satisfactory journals or monthly abstracts thereof (according to the form and regulations provided by the Department of Public Instruction) by the head master observer, who shall certify that the observations required have been made with due care and regularity.

Allowances for  
making Meteorological  
reports.

## PART VIII.—HIGH SCHOOL SITES AND OTHER PROPERTY.

1. HIGH SCHOOL PROPERTY VESTED IN TRUSTEES.
2. SPECIAL CASES PROVIDED FOR.
3. SPECIAL GRANTS OF SCHOOL SITES.

### 1. HIGH SCHOOL PROPERTY VESTED IN TRUSTEES.

**87.** All property heretofore given or acquired in any municipality, and vested in any person or persons, or corporation, for High School or Collegiate Institute purposes, or which may hereafter be so given or acquired, shall vest absolutely in the corporation

High School  
property vested  
in trustees.



corporation of High School or Collegiate Institute trustees having the care of the same, subject to such trusts as may be declared in the deed or instrument under which such property is held.

## 2. SPECIAL CASES PROVIDED FOR.

Crown cases provided for if site be not suitable.

**88.** In case any lands in Ontario have been, or after the passing of this Act, shall be surrendered, granted, devised or otherwise conveyed to the Crown, or to the trustees of any High School or Collegiate Institute, or to any trustees, in trust for the purposes of, or as a site for, any such High School, or Collegiate Institute, or for any other educational institution established in any county or place therein for the benefit of the inhabitants thereof generally, and in case such lands be found not to afford the most advantageous site for such School or Institution, or there being no School or Institution bearing the precise designation mentioned in the deed of surrender, grant, devise, or other conveyance, or in case it may be for the benefit of such School or Institution that such lands should be disposed of, and others acquired in their stead, for the same purpose, or the proceeds of the sale applied thereto, then such lands may be surrendered and conveyed as hereinafter provided.

Such lands may be surrendered to the Crown.

**89.** The trustees in whom any lands mentioned in the next preceding section are vested in trust as aforesaid, may (with the consent of the Municipal Council, expressed at a legal meeting and certified under the hand of the head and the corporate seal of the municipality in which such School or Institution has been or is to be established) surrender and convey such lands to the Crown unconditionally, and such conveyance shall vest the lands absolutely in the Crown, without formal acceptance by the Crown, the Governor, or any other officer or person for the Crown.

Such land to be sold for the benefit of such school, etc.

**90.** Any lands surrendered, granted, devised or otherwise conveyed to the Crown for any such purpose as aforesaid, may be sold by order of the Governor in Council, and the proceeds applied to the purchase of other lands to be vested in the Crown for the purpose of the same School or Institution, or in the case of there being no School bearing the precise designation intended as aforesaid by the person who granted or devised the lands to the trustees, from or through whom the lands so sold came to the Crown, then for the purposes of the High School or Collegiate Institute or other Public Educational Institution established for the benefit of the inhabitants of the municipality generally, which in the opinion of the Governor in Council comes nearest in its purposes and designs to that intended by such person as aforesaid.

**91.** If such proceeds be applied to the purchase of lands for High School or Collegiate Institute purposes, the title to such lands may be vested in the board of trustees for any High School or Collegiate Institute, by their corporate name ; and if there be any surplus of such proceeds after such purchase, or if it be found that no lands are required as a site for, or for other purposes of such school or institution, then such surplus or proceeds (as the case may be) may be invested or applied for the purposes of such school or institution, in such manner as the Governor in Council deems most for the advantage thereof.

Lands purchased with proceeds.

**92.** No purchaser of land from the Crown, under this Act, shall be in any way bound to see to the application of the purchase money.

Purchasers not to see to trusts.

**93.** Nothing in this Act shall impair the rights of any private party in or upon any lands, in so far as such rights would have existed and could be exercised without this Act.

Private rights protected.

**94.** The Crown may grant to the trustees of any High School or Collegiate Institute, or of any other public educational institution established for the benefit of the inhabitants of the municipality generally, and lands which may have been or may, after the passing of this Act, be surrendered, granted, devised, or otherwise conveyed to the Crown as aforesaid.

Crown may grant such lands, etc.

### 3. SPECIAL GRANTS OF SCHOOL SITES.

**95.** In case any persons residing in Ontario, interested in any school established in any city, town, village, or township therein, whether as parents of children frequenting such schools, or as contributors to the same, or both, have occasion, or are desirous to take a conveyance of real property for the use of such schools, such persons may elect from among themselves, and appoint any number of trustees, not exceeding seven nor less than five, to whom, and to whose successors, to be appointed in the manner specified in the deed of conveyance, the real property requisite for such school may be conveyed.

Conveyance of property for school sites to trustees

**96.** Any such trustees, and their successors in perpetual succession, by the name expressed in such deed, may take, hold, and possess such real property, and commence and maintain any action at law or in equity for the protection thereof, and of their right thereto ; but there shall not be held in trust as aforesaid, more than ten acres of land at any one time, for any one school ; and this section shall not extend to public schools.

Powers of trustees do not extend to public schools.

**97.** The trustees shall, within twelve months after the execution of any such deed, cause the same to be registered in the office of the registrar of the county in which the land lies.

Registration of deed.

## PART IX.—MISCELLANEOUS PROVISIONS.

1. COLLEGIATE INSTITUTES AUTHORIZED.
2. ALLOWANCE FOR ELEMENTARY MILITARY INSTRUCTION.
3. PENALTY FOR DISTURBING HIGH SCHOOLS.

## 1. COLLEGIATE INSTITUTES AUTHORIZED.

Collegiate  
Institutes.

**98.** And whereas it is desirable to encourage the establishment of superior classical schools, it shall be lawful for the Lieutenant-Governor to confer upon any High School in which not less than four masters are fully employed in teaching the subjects of the prescribed curriculum, and in which the daily average of male pupils studying the Latin or Greek language shall not be less than sixty, the name Collegiate Institute:

Grant in  
support of  
Collegiate  
Institutes.

(a) Towards the support of such Collegiate Institute it shall be lawful for the Lieutenant-Governor to authorize the payment of an additional sum, at the rate of and not exceeding seven hundred and fifty dollars per annum, out of moneys granted for this purpose;

(b) If in any year the daily average of pupils above described shall fall below sixty, or the number of masters be not less than four, the additional grant shall cease for that year;

(c) If the average shall continue to be less than sixty, or the number of masters less than four, for two successive years, the institution shall forfeit the name and privileges of a Collegiate Institute, until restored by the Lieutenant-Governor under the conditions provided by this section;

(d) The provisions of this Act relating to High Schools shall apply to Collegiate Institutes.

## 2. ALLOWANCE FOR ELEMENTARY MILITARY INSTRUCTION.

Allowance for  
elementary  
military  
instruction.

**99.** It shall be lawful for the Lieutenant-Governor to prescribe a course of elementary military instruction for High School or Collegiate Institute pupils, and to appropriate out of any money granted for the purpose a sum not exceeding fifty dollars per annum to any school the head-master of which shall have passed a prescribed examination in the subjects of the military course, and in which school a class of not less than five pupils has been taught for a period of at least six months;

(a) Such classes and instruction are to be subject to such inspection and oversight as the Lieutenant-Governor may direct.

Inspector not  
to hold other  
offices.

**100.** No Inspector of Schools hereafter appointed shall, during his tenure of office, engage in or hold any other employment, office, or calling, which would interfere with the full discharge of his duties as Inspector, as required by law.

No Inspector  
Trustee,  
Teacher, &c.,  
shall act as  
agent for the  
sale of books,  
maps, &c.

**101.** No Teacher, Trustee, Inspector, or other person officially connected with the Education Department, the Normal, Model, Public or High Schools, or Collegiate Institutes, shall become or act as agent, for any person or persons, to sell, or in any way to promote the sale, for such person or persons, of any scho



school library, prize or text-book, map, chart, school apparatus, furniture, or stationery, or to receive compensation or other remuneration or equivalent for such sale, or for the promotion of sale, in any way whatsoever.

### 3. PENALTY FOR DISTURBING HIGH SCHOOLS.

**102.** Any person who wilfully interrupts or disquiets any High School or Collegiate Institute established and conducted under the authority of this Act, by rude or indecent behaviour, or by making a noise either within the place where such School is kept or held, or so near thereto as to disturb the order or exercises of the School or Institute, shall, for each offence, on conviction thereof before a justice of the peace, on the affidavit of one credible witness, forfeit and pay for Public School purposes to the School section, city, town or village, within which the offence was committed, such sum not exceeding twenty dollars, together with the costs of conviction, as the said justice may think fit; or the offender may be indicted and punished for any of the offences hereinbefore mentioned as a misdemeanor.

Penalty for  
disturbing  
High Schools

### PART X—REPEALING AND CONFIRMATORY CLAUSES.

**103.** From and after the passing of this Act, the several Acts passed in the twenty-second year of Her Majesty's reign, chaptered sixty-three, and sixty-four, in the twenty-ninth year of Her Majesty's reign, chaptered twenty-three, and in the thirty-fourth year of Her Majesty's reign, chaptered thirty-three, in so far as they relate to the Council of Public Instruction, to High Schools and Collegiate Institutes, shall be and are hereby repealed;

Repeal of the  
Acts of 1850,  
1859, 1860 and  
1871.

2. The repeal of the said Acts and parts of Acts shall not revive any Act or provision of law repealed by them; nor shall the said repeal prevent the effect of any saving clause in the said Acts and parts of Acts, or the application of any of the said Acts or of any Act or provision of laws formerly in force, to any transaction, matter or thing anterior to the said repeal, to which they would otherwise apply;

Saving as to  
transactions  
anterior to the  
repeal.

3. The repeal of the said Acts or parts of Acts shall not disturb, invalidate, or prejudicially affect any penalty or liability incurred before the time of such repeal, or any proceedings had for enforcing the same, nor any action, suit, judgment, execution, process, order, rule, or any proceeding whatever had respecting the same; nor any office appointment, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal; but every such penalty, liability, action, suit, judgment, execution, process, order, rule, office appointment, salary, allowance, security, duty, and every other such matter or thing respectively may and shall, both at law and equity, remain and continue as if no such repeal had taken place;

Certain mat-  
ter anterior to  
the repeal not  
affected by it.

4. The law relating to the Council of Public Instruction, and to the High Schools or Collegiate Institutes which is consolidated in this Act shall not be held to operate as a new law,

Consolidated  
School Act not  
to be deemed  
a new law.

but

but shall be construed and have effect as a consolidation, and as declaratory of the law as contained in said Acts and parts of Acts so repealed, and for which the said Consolidated High School Act of 1874 is substituted ;

How construed  
if in any case  
it differ from  
the repealed  
Acts.

5. But if upon any point the provisions of the said Consolidated Act are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions, matters and things subsequent to the time when the said Consolidated Act takes effect, the provisions contained in it shall prevail, but as respects all transactions, matters and things anterior to the said time, the provisions of the said repealed Acts and parts of Acts shall prevail ;

As to reference  
to repealed  
Acts in former  
Acts.

6. Any reference in any former Act remaining in force, or in any instrument or document to any Act or enactment so repealed, shall, after this Consolidated Act takes effect, be held as regards any subsequent transaction, matter or thing, to be a reference to the enactments in this Consolidated Act, having the same effect as such repealed Acts or enactment.

Masters and  
Teachers de-  
fined.

104. In this Act, the words, "legally qualified masters and teachers," and the words, "legally qualified teachers," shall mean any persons (male or female) who possess first, second, or third-class certificates of qualification, or who, under the Grammar or High School, or the Public or Separate School Act, are legally

Interpretation

qualified to act as such masters and teachers ; but the words shall not be held to apply to persons holding interim certificates from an Inspector, or certificates qualifying senior pupils, or other parties, to act as monitors or assistants.

## SCHEDULE A.

BEING FORM OF VOTING PAPER.

### COUNCIL OF PUBLIC INSTRUCTION.

ELECTION OF A MEMBER, 187

I, Inspector of Public Schools,  
(*Master of [or a Teacher in] the High School or Collegiate*  
*Institute, at* , or Teacher of [or in] the Public, or  
*Separate School, in* as the case may be), resident  
at in the County of  
do hereby  
declare—

1. That the signature affixed hereto is my proper handwriting.

2. That I vote for the following person as a Member of the Council of Public Instruction for Ontario—viz.  
in the County of

3. That I have signed no other voting paper at this election.

4. That this voting paper was executed by me on the day of the date hereof.

Witness my hand, this day of A.D. 187.

SCHEDULE

## SCHEDULE OF STATUTES Consolidated in this Bill (Council of Public Instruction, High Schools, &amp;c).

## 22 VIC., CAP. 63.

22 V., c. 63.	Where in Bill of 1874.	22 Vic., c. 63.	Where in Bill of 1874.
1	35, 36	24	60, 61
2	effete	25	34, 45, 70
3	35, 36	1	61 (1, 3)
4	66	2	61 (4)
5	effete	3	61 (9, 10, 12)
6	66	4	61 (9, 11)
7	effete	5	47, 61 (5, 6, 7)
8	69, 70	6	48, 61 (6, 8, 9)
9	27 (3), 68	7	63
10	effete	8	61 (13)
11	27 (5)	9	61 (9)
12	27 (3), 61 (10, 12, 13), 71	10	61 (14)
13	effete	26 (in part effete)	27 (4), 31 (31, 32), 84,
14	effete		85, 86
15	27 (2, 3, 5)	27	34
16	47, 48, 61 (6)	28	95, 96
17	41	29	97
18	31 (2)	30	88, 89
19	31 (3, 6, 31)	31	90
20	50	32	91
21	55	33	92
22	56	34	93
23	57, 58, 59	35	94

## 22 VIC., CAP. 64 (in part).

22 Vic., c. 64.	Where in Bill of 1874.	22 Vic., c. 64.	Where in Bill of 1874.
103 in part effete	29	114	1, 20
104	30	115	31 (21)
106 4	31 (9)	116	26
7	(19)	117	23, 27 (11)
8	(17)	118	21
9	15a, (b)	119	27
10	(10)	1	(1)
11	(8)	2	(11)
12	(14)	3	(12-16)
13	27 (19), 31 (25, 26)	4	(18, 19, 25)
14	31 (16)	5	(19, 24)
15	(13)	6	(28), 80
16	(30)	7	(29)
17	(31)	120 1	(29), 31(13), 33
18	(20)	2	31 (3, 8, 9, 14, 16)
107	(12)	124	31 (18)
109	32 (4)	128	28 (6)
113	(4a)	139	102



SCHEDULE OF STATUTES Consolidated in this Bill (Council of Public Instruction, High Schools, &c.)—*Continued.*

23 VIC., CAP. 49 (in part).

23 Vic., c. 49.	Where in Bill of 1874.	—	—
14	32 (2)		
23	32 (3)		

29 VIC., CAP. 23.

29 Vic., c. 23.	Where in Bill of 1874.	29 Vic., c. 23.	Where in Bill of 1874.
1	42, 50, 51, 57, 61 (6)	8	35
2	52, 55, 56, 57, 58, 59	9	effete
3	60, 61 (6, 13)	10	31 (32), 72
4	87	11	27 (4), 49 (32), 61 (10,
5 (amended)	63		12), 84, 85, 86
6	27 (3), 31 (4), 44, 61 (13),	12	99
	70, 71	13	effete
7	36 (1, 4), 40, 66, 67, 69,	14	effete
	71	15	103

34 VIC., CAP. 33 (in part).

34 Vic., c. 33.	Where in Bill of 1874.	34 Vic., c. 33.	Where in Bill of 1874.
6	42, 49	37	27 (3), 31, 40, 61 (13),
7	27 (20, 21)		66, 71
12	27 (22, 23)	38 (amended)	27 (7, 8), 64, 65
27	32 (4), 73	39	27 (5)
33	50	40	[33, 34, 38, 39, 41, 46
34	27 (2), 28 (5), 60, 61 (10,	41	98
	12)	44	83
35	35, 36, 40, 61 (12)	45	49
36	44, 45, 46, 47, 57, 58, 61		
	(6, 9), 65, 66, 70		

36 VIC., CAP. 48 (in part).

36 Vic., c. 48.	Where in Bill of 1874.	36 Vic., c. 48.	Where in Bill of 1874.
383 5	47 (2)	383 (8)	47 (5)
6	(3)	(9)	(6)
7	(4)		

## CAP. XXVIII.

## An Act to amend and consolidate the Public School Law.

[Assented to 24th March, 1874.]

## CONTENTS OF THIS ACT.

- Part
- I. Preliminary Enacting Clauses.
  - II. Trustees of Rural School Sections.
  - III. Duties and powers of Township Councils.
  - IV. Duties and powers of County Councils.
  - V. Cities, Towns, and Incorporated Villages.
  - VI. Public School Teachers and their Duties.
  - VII. Public School Inspectors' Qualifications and Duties.
  - VIII. County and City Boards of Examiners.
  - IX. School Visitors and their Duties.
  - X. Chief Superintendent of Education and his duties.
  - XI. General and Special Provisions.
  - XII. Various Penal Clauses.
  - XIII. Repealing confirming and Interpretation clauses.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## PART I.—PRELIMINARY ENACTING CLAUSES.

- 1. EXISTING SCHOOL ARRANGEMENTS CONTINUED.
- 2. PUBLIC SCHOOL ELECTIONS.

1. This Act shall take effect from the passing thereof, and Name. shall be known and cited as the “Consolidated Public School Act of 1874.”

## 1. EXISTING SCHOOL ARRANGEMENTS CONTINUED.

2. All public school sections or other public school divisions, Existing together with all elections and appointments to office, all agree- school arrangements continued. ments, contracts, assessments, and rate-bills, heretofore duly made in relation to public schools, and existing when this Act comes into force, shall be subject to the provisions of this Act.

3. The term, for which each school trustee who holds office Trustees' term of office. at the time this Act takes effect, shall continue as if such term had commenced by virtue of an election under this Act; and on the second Wednesday in January next after this Act takes effect, the trustee or trustees whose term of office then expires, shall retire from office, but may, with his or their consent, be re-elected.

## 2. PUBLIC SCHOOL ELECTIONS.

Annual election on the second Wednesday in January.

4. The annual meetings for the election of school trustees, shall be held in all the cities, towns, townships and incorporated villages, on the second Wednesday in January, in every year, commencing at the hour of ten of the clock in the forenoon.

## PART II.—TRUSTEES OF RURAL SCHOOL SECTIONS.

1. POLL FOR RURAL SCHOOL TRUSTEE ELECTIONS.
2. THE OFFICE OF TRUSTEE.
3. ELECTION OF TRUSTEES IN NEW SCHOOL SECTIONS.
4. ANNUAL RURAL SCHOOL SECTION MEETINGS.
5. RURAL SCHOOL TRUSTEE CORPORATIONS.
6. VALIDITY OF CORPORATE ACTS—RESTRICTION AS TO CONTRACTS.
7. POWERS AND DUTIES OF RURAL SCHOOL TRUSTEES.
8. RURAL SCHOOL SECTION AUDITORS.
9. SELECTION OF RURAL SCHOOL SITES.
10. ESTABLISHMENT OF SCHOOL SECTIONS IN UNORGANIZED TOWNSHIPS.

## 1. POLL FOR RURAL SCHOOL TRUSTEE ELECTIONS.

When poll shall close.

5. The poll at every election of a rural school trustee or trustees shall not close before eleven of the clock in the forenoon, and shall not be kept open later than four of the clock in the afternoon of the day on which the election is commenced.

## 2. THE OFFICE OF TRUSTEE.

Trustees' term of office.

6. For each rural school section, there shall be three trustees, each of whom, after the first election of trustees, shall hold office for three years, and until his successor has been elected.

Trustees not to hold certain offices.

7. No trustee of a school section shall hold the office of public school inspector, or be a teacher, within the section of which he is a trustee; nor shall the master or teacher of any school, or an inspector, hold the office of trustee; and after a continuous non-residence or absence of six months from his school section or division by a trustee, shall cause the vacation of his office of trustee.

Vacation of office.

Term for vacancies.

8. Any trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected.



9. Every person elected as trustee, and who is eligible and liable to serve as such, shall make the following declaration of office before the chairman of the school meeting; or if the chairman be elected trustee, he shall make said declaration before the secretary of the meeting. Trustees must make a declaration of office.

“I will truly and faithfully, to the best of my judgment and ability, discharge the duties of the office of School Trustee, to which I have been elected.” Declaration.

10. Any person chosen as trustee of a rural school section may resign his office, with the consent, expressed in writing, of his colleagues in office, and of the School Inspector. Trustees may resign.

### 3. ELECTION OF TRUSTEES IN NEW SCHOOL SECTIONS.

11. Whenever a new school section is formed in any township, as provided in the forty-sixth section of this Act, the clerk of the township shall give notice of the description and number of such school section to the person appointed to call the first school meeting in it for the election of trustees. Proceedings on the formation of a new School Section.

12. The person so appointed shall, within twenty days after receiving such notice, prepare a notice in writing, describing the section, and appointing a time and place for the first school section meeting, and shall cause copies of the notice so prepared by him to be posted in at least three of the most public places in the new school section, at least six days before the time of holding the meeting. A Meeting in New Section to be called within twenty days.

13. The resident or non-resident assessed freeholders, householders, or tenants of such school section present at such first meeting shall elect one of their own number to preside over its proceedings, and shall also appoint a secretary, who shall record the proceedings of the meeting, and perform all such other duties as may be required of him by this Act. Chairman and Secretary to be appointed at Meeting. Duties.

14. The chairman of the meeting shall decide all questions of order, subject to an appeal to the meeting; and, in case of an equality of votes, he shall give the casting vote—but he shall have no vote except as chairman. Duties of Chairman—His casting vote.

15. The chairman shall take the votes in the manner desired by a majority of the electors present; but he shall, at the request of any two electors, grant a poll for recording by the secretary the names of the voters present. Mode of Recording votes at school meeting.

16. At the first school section meeting, the electors present shall, by a majority of votes, elect from the resident assessed freeholders, householders, or tenants in the section, three trustees; but no person shall be eligible to be elected, or to serve as school trustee in a school section, who is not a resident assessed freeholder, householder, or tenant in the school section. Three resident trustees to be elected at first school meeting

Term of office  
of each trustee.

First.

Second

Third.

Copy of Pro-  
ceedings to be  
sent to the  
County Ins-  
pector.

**17.** The trustees elected at a first school section meeting shall respectively continue in office as follows :—

1. The first person elected shall continue in office for two years, to be reckoned from the annual school meeting next after his election, and thence until his successor has been elected ;

2. The second person elected shall continue in office for one year, to be reckoned from the same period, and until his successor has been elected ;

3. The third, or last person elected, shall continue in office until the next ensuing annual school meeting in such section, and until his successor has been elected.

**18.** A correct copy of the proceedings of a first and of every annual, and of every special school section meeting, signed by the chairman and secretary, shall be forthwith transmitted by the chairman of such meeting to the Inspector of schools.

#### 4. ANNUAL RURAL SCHOOL SECTION MEETINGS.

A school trustee to be annually elected in each section.

**19.** A resident assessed freeholder, householder, or tenant shall be elected to the office of trustee at each ensuing annual school meeting, in place of the trustee whose term of office is about to expire : and such trustee, if willing, may be re-elected ; but no school trustee shall be re-elected, except by his own consent, during the four years next after his going out of office.

Mode of Proceeding at annual school meetings.

**20.** At every annual rural school section meeting, as authorized and required to be held by the fourth section of this Act, the assessed freeholders, householders, or tenants of such section present at such meeting, or a majority of them—

Appointment of chairman and secretary

1. Shall elect a chairman and secretary, who shall perform the duties required of the chairman and secretary, by the thirteenth, fourteenth and fifteenth sections of this Act ;

Trustees' and Auditors' general Report to be submitted

2. Shall receive and decide upon the school report of the trustees, and shall receive, or otherwise deal with, (as provided by the thirtieth section of this Act,) the financial report of the auditor or auditors of the school accounts of the previous year laid before the meeting, as required by the thirty-second section of this Act ;

Annual election of school trustees.

3. Shall elect a resident assessed freeholder, householder, or tenant, or freeholders or householders of the section, to be a trustee or trustees, to fill any vacancy or vacancies in the trustee corporation ;

School section Auditor to be appointed.

4. Shall appoint a fit and proper person to be auditor of the school accounts of the section for the then current year.

Who are legal voters at School Meeting.

**21.** No person shall be entitled to vote in any school section for the election of trustee, or on any school question whatsoever, unless he shall have been assessed, and shall have paid county, township, or rural section school-rates as a freeholder, householder, or tenant of such section : and in case an objection be made to the right of any person to vote at a school section meeting

meeting, the chairman or presiding officer at the meeting shall, at the request of any ratepayer, require the person, whose right of voting is questioned, to make the following declaration :

“ I do declare and affirm that I have been rated on the assessed roll of this school section, as a freeholder (householder, *or tenant, as the case may be*), and that I have paid a public-school tax due by me in this school section, imposed within the last twelve months, and that I am legally qualified to vote at this meeting ;”

Form of declaration required from school electors.

Whereupon the person making such declaration shall be permitted to vote on all questions proposed at such meeting ; but if any person refuse to make such declaration, his vote shall be rejected.

Effect of declaration.

**22.** In case, from the want of proper notice or other cause, any first or annual school section meeting, required to be held for the election of trustees, was not held at the proper time, the Inspector, or any two assessed freeholders, householders, or tenants in the section may, within twenty days after the time at which the meeting should have been held, call a school meeting, by giving six days' notice, to be posted in at least three of the most public places in the school section ; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

Meetings to be called in default of first or annual meetings.

## 5. RURAL SCHOOL TRUSTEE CORPORATIONS.

**23.** The trustees in every school section shall be a corporation, under the name of “ The Public School Trustees of Section No.— in the Township of —, in the County of — ;” and no such corporation shall cease by reason of the want of trustees ; but in case of such want, any two assessed freeholders or householders of the section, or the inspector, may, by giving six days' notice, to be posted in at least three of the most public places in the section, call a meeting of the assessed freeholders, householders, or tenants, who shall proceed to elect three trustees, in the manner prescribed in thirteenth and three following sections of this Act ; and the trustees thus elected shall hold and retire from office in the manner prescribed for trustees by the seventeenth section of this Act.

Trustees to be a school corporation—its powers.

Filling vacancies.

## 6. VALIDITY OF CORPORATE ACTS—RESTRICTION AS TO CONTRACTS.

**24.** No act or proceeding of a school corporation which is not adopted at a regular or special meeting of the trustees, shall be valid or binding on any party affected thereby, and notice of the meeting is to be given by the secretary to each of the trustees, or by any one of the trustees to the others, by notifying them personally, or in writing, or by sending a written notice to their residences ;

Corporate act must be performed at lawful trustee meetings.



(a) A record of the proceedings of such trustee meetings shall be entered in a book of the corporation kept for that purpose, and signed by the senior or presiding trustee;

(b) A majority of the trustees, present at a meeting thus called, shall have full authority to perform any lawful business.

Certain trustee  
contracts  
between them-  
selves unlaw-  
ful.

**25.** No public school trustee shall enter into a contract with the corporation of which he is a member, or have any pecuniary claim on, or receive recompense from, such corporation, except for a school site, or as collector of school rates, and in the latter case only when he shall be appointed, and the warrant to him as collector has been signed by the other two members of the corporation, and the seal of the corporation has been attached to the same.

#### 7. POWERS AND DUTIES OF RURAL SCHOOL TRUSTEES.

1. *Secretary-Treasurer—Collector—Auditor.*
2. *Sites and School Property—Buildings, &c.*
3. *Adequate Accommodations—High School.*
4. *Employment and payment of Teachers*
5. *Obtaining School Moneys—Assessments.*
6. *Admit Residents and non-Residents to School—Visit it themselves.*
7. *Text and Library Books—Exercise Corporate Powers.*
8. *Annual and other School Meetings—Section Report.*
9. *Half-yearly Returns and Annual Report to Inspectors.*
10. *Compulsory attendance of Absentee children.*
11. *Secretary-Treasurer or Collector—Maps, &c — Second School—Non-Residents—Indigent persons—Purchase from Booksellers.*

##### 1.—*Secretary-Treasurer—Collector—Auditor.*

Appointment  
and duties of  
secretary-  
treasurer.

**26.** It shall be the duty of the trustees of every rural school section :

1. To appoint a secretary-treasurer who shall give such security as shall be required by a majority of the trustees;

(a) The trustees shall deposit the security for safe keeping with the township council; and the security shall be for:—

Security.

(b) The correct and safe keeping and forthcoming (when called for by the trustees, auditors, or other competent authority) of the papers and moneys belonging to the corporation;

Records.

(c) The correct keeping of a record of all the proceedings of the trustees in a book procured by them for that purpose;

Moneys.

(d) The receiving and accounting for all school moneys collected by school rate, rate-bill, subscription or otherwise, from the inhabitants or ratepayers of the school section, or other parties;

Disbursing.

(e) The disbursing of such moneys in the manner directed by the majority of the trustees;

(f)

(f) And for the paying over, at the end of every half-year, to the order of the inspector, the amount of money which is in such secretary-treasurer's hands,—being teachers' superannuation money which said inspector has deducted from the salary or salaries of male teacher or teachers employed by the trustees during each such half-year, or which is payable to the superannuated teachers' fund;

2. To appoint some fit and proper person, or one of themselves, to be a collector (who may also be secretary-treasurer), to collect the rates imposed by them upon the rate-payers of their school section, or the sums which the inhabitants or others may have subscribed, or a rate-bill imposed on any person; and to pay such collector, at the rate of not less than five, or more than ten, per centum on the moneys collected by him; and every such collector shall give such security as shall be satisfactory to the trustees, which security shall be lodged for safe keeping with the township council by the trustees;

3. To appoint, before the first day of December in every year, a fit and proper person to be auditor of their school accounts for the current year: Provided that if the trustees neglect to appoint such auditor, or appoint one who refuses to act, the school inspector shall appoint one for them; Auditor.

4. To lay before the school auditor or auditors their accounts and other papers, and to give such other information as is required by the thirtieth section of this Act;

### 2.—*Sites and School Property—Buildings, etc.*

5. To take possession and have the custody and safe keeping of all public school property which has been acquired or given for public school purposes in the section; and to acquire and hold as a corporation, by any title whatsoever, any land, movable property, moneys or income given or acquired at any time for public school purposes, and to hold or apply the same according to the terms on which the same were acquired or received; Trustees to acquire and hold School Property.

6. To dispose, by sale or otherwise, of any school site or school property not required by them in consequence of a change of school site, or other cause, to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes, or as directed by this Act; Trustees may sell School Site or other Property.

### 3.—*Adequate Accommodations—High School.*

7. To provide adequate accommodations for all children of school age resident in their school section; Provide adequate accommodations.

8. To build, repair, rent, warm and furnish the section school house, or school houses, and keep in order its or their furniture, appendages, and the school lands and enclosures held by them; Building, or otherwise providing School Premises.

9. To build or rent, to repair, furnish, warm, and keep in order a house or houses, and appendages, to be used as a school house or school houses, when there is no suitable school house belonging to the section, or when two or more school houses are required;

May not unite  
with High  
School after  
1st July, 1874.

10. To take no steps after the first day of July, in the year one thousand eight hundred and seventy-four, to unite their school with any high school, which may be within or adjacent to the limits of their section;

#### 4.—*Employment and Payment of Teachers.*

Enter into  
written con-  
tracts with  
Teachers.

11. To contract in writing with, and employ teachers, assistants, or monitors for their school section, and to determine the amount of their salaries;

To give orders  
to qualified  
Teachers for  
School  
Fund.

12. To give teachers, assistants, or monitors employed by them the necessary orders upon the county inspector for the school fund apportioned and payable to their school section; but they shall not give an order in favour of any teacher, assistant, or monitor, except for the actual time during which said teacher, while employed, held a legal certificate of qualification;

#### 5.—*Obtaining School Moneys—Assessments.*

Provide for  
Salaries and  
other expenses  
of the School.

13. To provide for the salaries of teachers and all other expenses of the school, by voluntary subscriptions, rate-bill, where authorized by this Act, or by rate upon property; and to employ all lawful means to collect or otherwise obtain the sums required for such salaries and other expenses;

Apply to Mu-  
nicipality or  
may levy Rate  
themselves.

14. To apply to the township council at or before its meeting in August, or, as they may judge expedient, to employ their own lawful authority, for the levying and collecting by rate, according to the valuation of taxable property, as expressed in the assessor's or collector's roll, all sums for the support of their school, or schools, for the purchase of school sites, the erection or otherwise acquiring of school houses and teacher's residence, and for any other school purposes authorized by this Act to be collected from the freeholders, householders, or tenants of such section;

Deficiencies to  
be made up by  
additional Rate  
on Property.

15. To assess and cause to be collected an additional rate, in order to pay the balance of the teacher's salary, and other expenses of such school, should the sums provided be insufficient to defray all the expenses of their school or schools;

Make out  
School Rate  
and Collector's  
Warrant.

16. To make out a list of the names of all persons rated by them for the school purposes of such section, and the amount payable by each, and to annex to such list a warrant directed to the collector of the school section, for the collection of the several sums mentioned in such list, whether school rates or rate bills;

Defaulting  
residents.

17. To sue for and recover by their name of office the amounts of school rates, rate-bills, or subscriptions due from persons resid-  
ing



ing outside of the limits of their school section who may make default in payment to the collector ;

18. To make a return to the clerk of the township of the amount of any rate imposed by them for school purposes whenever so imposed ; and also, before the end of the then current year, to make a return to the clerk of the municipality of the parcels of land of non-residents of their section, and the rates due thereon, which they have been unable to collect ;

Make Return  
of Uncollected  
Rates to Town-  
ship Clerk.

6.—*Admit Residents and Non-Residents to the School—Visit it themselves.*

19. To permit all residents in the section between the ages of five and twenty-one years to attend the school, so long as they conform to the general regulations and the rules of the school ; but such permission shall not extend to the children of persons in whose behalf a separate school has been established, according to the provisions of the Acts respecting the establishment of separate schools ;

Admit to  
School resi-  
dents—Excep-  
tion as to  
Separate  
Schools.  
22 V., c. 65  
26 V., c. 5.

20. To admit, on the same conditions, and on payment in advance of fees, or a rate-bill, not exceeding fifty cents per pupil for every calendar month, any non-resident pupils who reside nearer to such school than to the school in their own section ; and in case of dispute as to the distance from the school, the inspector shall decide ;

Admit non-  
resident pupils

21. To visit, from time to time, every school under their charge, and see that it is conducted according to law and the authorized regulations, and that every school is, at all times, duly provided, at the expense of the school, with Entrance and Daily Registers and a Visitors' Book, in the forms prepared according to law ;

Visit Schools,  
and for what.

7.—*Text and Library Books—Exercise Corporate Powers.*

22. To see that no unauthorized books are used in the school, and that the pupils are duly supplied with a uniform series of authorized text-books, sanctioned and recommended by the Council of Public Instruction ; and to procure annually, for the benefit of their school section, some periodical devoted to education ;

Proper Text-  
Books to be  
used in  
Schools.

23. To appoint a librarian ; and to take such steps as are authorized by law, and as they may judge expedient, for the establishment, safe keeping and proper management of a school library in their section ;

Establish  
School Section  
Library.

24. To exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them ; and in case they or any of them wilfully neglect or refuse to exercise such powers, the trustee or trustees so neglecting or refusing shall be personally responsible for the fulfilment of such contract or agreement ;

Personal Res-  
ponsibility of  
Trustees in  
case of neglect  
to exercise  
Corporate  
Powers.

### 8.—*Annual and other School Meetings—Section Report.*

#### 25. To appoint :—

Place of  
annual school  
meeting to be  
appointed by  
the trustees.

(a) The place of each annual school meeting of the assessed freeholders and householders of the section, or of

(b) The time and place of a special meeting of the same for ; (1) the filling up of any vacancy or vacancies in the trustee corporation occasioned by death, removal or other cause ; or (2) for the selection of a new school site ; (3) the appointment of a school auditor ; or (4) any other lawful school purpose, as they may think proper ;

Notice.

(c) And they shall cause notices of the time and place, and of the objects of such meetings, to be posted in three or more public places of such section, at least six days before the time of holding such meeting ;

(d) Every such meeting shall be organized, and its proceedings recorded in the same manner as provided for in the thirteenth and three following sections of this Act ;

Prepare and  
Read Report  
at Annual  
Meeting.

26. To cause to be prepared and read at the annual meeting of the ratepayers the school report of the trustees for the year then ending, which report shall include, among other things, a summary of their proceedings and of the state of the school during the year, together with a full and detailed account of the receipt and expenditure of all school moneys received and expended in behalf of the section, for any purpose whatever, during such year ; which report shall be signed by the trustees and by either or both of the school auditors of the section ;

### 9.—*Half-yearly Returns and Annual Report to Inspectors.*

Make Half-  
Yearly Report  
to County  
Inspector.

27. To transmit to the County Inspector, on or before the thirtieth day of June, and the thirty-first day of December in each year, a correct return of the average attendance of the resident and non-resident pupils in the school or schools under their charge during the six months then immediately preceding ;

Yearly report  
to Inspector.

28. To ascertain the number of children between the ages of five and sixteen years residing in their section on the thirty-first day of December in each year, and to prepare and transmit annually, on or before the fifteenth day of January, a report to the County Inspector, signed by a majority of the trustees, and made according to a form provided by the Chief Superintendent of Education, and shall specify therein among other things :

Contents.

1. The whole time the school in their section was kept open by a qualified teacher, during the year ending on the thirty-first day of the previous December ;

2. The amount of moneys received for the school fund, from local rates or contributions, and from other sources, distinguishing the same, and the manner in which all such moneys were expended ;

3<sup>1</sup> The whole number of children residing in the school section, over the age of five years, and under the age of sixteen ;

the

the number of children and young persons taught in the school in winter and summer, distinguishing the sexes, and those who were over and under sixteen years of age; and the average attendance of pupils in both winter and summer; but the trustees of the public school sections, within the limits of which, one or more separate school sections are established, as hereinafter provided, shall not, in their return of children of school age residing in their school sections, include the children attending such separate school or schools;

4. The branches of education taught in the school; the numbers of pupils in each branch; the text-books used; the number of public school examinations; visits and lectures, and by whom made or delivered, and such other information respecting the school premises and library as may be required.

10. *Compulsory attendance of absentee children.*

27. It shall also be the duty of the trustees of every rural school section :

Trustees to ascertain names of absentee children.

1. To ascertain before the thirty-first day of December in every year, through the assessor, collector, or some other person to be appointed for that purpose, and paid by them, the names, ages and residences of all the children of school age in their school section, distinguishing those children—between the ages of seven and twelve years—who have not attended any school (or who have not been otherwise educated), for four months of the year, as required by the one hundred and fifty-sixth section of this Act;

2. To notify personally, or by letter or otherwise, the parents or guardians of such children of the neglect or violation on their part of the provisions of said one hundred and fifty-sixth section;

Notify parents.

3. In case, after having been so notified, the parents or guardians of such children continue to neglect or violate the provisions of the said one hundred and fifty-sixth section of this Act;

4. It shall be the further duty of the trustees either to impose a rate-bill on such parents or guardians not exceeding one dollar per month for each of their children not attending school; or

Impose a rate-bill or make complaint to magistrate.

5. To make complaint of such neglect or violation to a magistrate having jurisdiction in such cases, provided by the one hundred and fifty-ninth section of this Act; and to deliver to said magistrate a statement of the names and residences of the parents or guardians of such children.

11. *Secretary-Treasurer or Collector—Maps, &c.,—Second School—Non-Residents—Indigent persons—Purchase from Booksellers.*

28. It shall be competent for rural school trustees, and they shall have authority :

1. To appoint one of themselves secretary-treasurer or collector of school rates or rate-bills, on the conditions prescribed by this Act;

Appointment of officers.



- Text-books, &c. 2. To do whatever they may deem expedient in regard to procuring apparatus, maps, prize, library and text-books for their school ;
- Collecting School rates. 3. To apply either to the township council, or employ their own lawful authority (as they may judge expedient) for the levying or collecting of any school rate required to be imposed upon the taxable property in their section ;
- Two or more schools in a section authorized. 4. To select the site and establish and maintain an additional school or additional schools in the section, with the concurrence of the inspector, where from the large size of the section, its physical conformation, or from any other cause, the children of the section are unable to attend the school established therein ;
- Condition. 5. To procure or erect the necessary buildings for such additional school or schools ;
- Non-resident pupils may be admitted on payment of fee. (a) Every such school shall be subject to the same regulations and obligations as public schools generally ;
6. To admit, at their discretion, non-resident pupils to their school, on payment in advance, of fees or rate-bill not exceeding fifty cents a month per pupil ;
- (a) This discretion on the part of the trustees, does not apply to the non-residents mentioned in clause twenty of the twenty-sixth section of this Act ;
- Trustees may exempt indigent persons. 7. To exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons, and to charge the amount of such exemption upon the other ratable inhabitants of the school section, but the same shall not be deducted from the salary of a teacher ;
- Purchase of library and prize books. 8. To purchase, at their discretion, from any bookseller or other parties, instead of at the Depository of the Education Department, any library or prize books sanctioned by the Council for the public and high schools and collegiate institutes, as provided by this Act.

### 11.—*Powers of Rural School Collector.*

- Powers of rural school collector. **29.** Each rural school collector, by virtue of a warrant signed by a majority of the trustees, shall have the same powers, in collecting the school-rate, rate-bill or subscriptions,—shall be under the same liabilities and obligations, and shall proceed in the same manner in his school section and township, as a township collector does in his municipality, in collecting rates in a township or county, as provided in the Municipal Corporation and Assessment Acts

### 8 RURAL SCHOOL SECTION AUDITORS.

- Annual Appointment of Auditors of School Section accounts. **30.** In order that there may be accuracy and satisfaction in regard to the school accounts of school sections, it is provided in this Act :—

1. That there shall be two auditors of school accounts for every section ;
2. That the auditors thus appointed, or either of them, shall, on or after the first day of December in each year, forth-  
with

with appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section ;

3. It shall be the duty of the trustees, or their secretary-treasurer to lay all their accounts before the school auditors of the section, or either of them, together with the agreements, vouchers, contracts, books, &c., in their possession ;

Trustees to submit their School Accounts to the Auditors.

4. Such trustees or their secretary-treasurer, shall afford to the auditors, or either of them, all the information in their power as to their receipts and expenditures of school moneys in behalf of their school section.

**31.** It shall be the duty of the auditors of every school section :—

1. To examine into and decide upon the accuracy of the accounts of such section, and whether the trustees have truly accounted for and expended for school purposes the moneys received by them ;

Powers and Duties of School Section Auditors.

2. To submit the said accounts, with a full report thereon, at the next annual school meeting ;

3. If both of the auditors object to the lawfulness of any expenditures made by the trustees, they shall submit the matters in difference to such meeting, which may either determine the same, or submit the matter to the Chief Superintendent, whose decision shall be final ;

4. The auditors shall remain in office until their audit is completed ;

5. In case of difference of opinion between the auditors on any matter in the account, it shall be referred to and decided by the County Inspector.

Difference of opinion.

**32.** It shall be competent for the auditors, or either of them :—

1. To require the attendance of all or any of the parties interested in the accounts, and of their witnesses, with all such books, papers and writings, as such auditor or auditors may direct them or either of them to produce ;

Power of Auditors to examine.

2. To administer oaths to such parties and witnesses ;

3. To issue their or his warrant to any person named therein, to enforce the collection of any moneys by them awarded to be paid ; and the person named in such warrant shall have the same power and authority to enforce the collection of the moneys mentioned in the said warrant, with all reasonable costs, by seizure and sale of the property of the party or corporation against whom the same has issued, as any Bailiff of a Division Court has in enforcing a judgment and execution issued out of such court ;

Warrant of Auditor equivalent to execution of Division Court.

4. To report the result of their or his examination of the accounts of the year to the annual school meeting next after their or his appointment, when the annual report of the trustees, signed by the trustees and auditors, shall be presented to such meeting.

Auditors to present report to meeting.

## 9. SELECTION OF RURAL SCHOOL SITES.

1. *Two modes of selecting School Sites.*
2. *Compulsory Sale of School Site in certain cases.*
3. *Arbitrations—Remedial Provisions.*
4. *Titles to School Sites and other Property.*

1. *Two modes of selecting School Sites.*

New School  
site to be  
authorized by  
Special Meet-  
ing.

**33.** No steps shall be taken by the trustees of any school section for procuring a school site on which to erect a new school house, or for changing the site of an established school house, without calling a special meeting of the assessed freeholders and householders of their section to consider the matter.

Differences be-  
tween Trustees  
and people to  
be referred to  
arbitration.

**34.** In case of a difference as to the choice of a site for a school house between a majority of the trustees and a majority of the assessed freeholders and householders at such special meeting, each party shall choose an arbitrator, and the County Inspector, or, in case of his inability to attend, any person appointed by him to act on his behalf, shall be a third arbitrator, and such three arbitrators; or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter or matters submitted to them;

Award.

(a) With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority within three months from the date of their award, to reconsider such award and make and publish a second award, which award (or the previous one, if not reconsidered by the arbitrators) shall be binding upon all parties concerned, for at least one year from the date thereof.

2. *Compulsory Sale of School Site in certain Cases.*

Owner of land  
must sell  
school site  
selected.

**35.** On the selection of land, as authorized by this Act, for a rural school site, on which to erect a school house and necessary buildings, or for enlarging existing school premises, it is provided as follows:—

1. If the owner of such land shall refuse to sell the same, or shall demand therefor a price deemed unreasonable by the trustees of any section, the proprietor of such land, and the trustees, shall each forthwith select an arbitrator;

2. The arbitrators thus chosen, together with the County Inspector, or any two of them, shall appraise the damages to the owner of such land;

3. Upon the tender of payment of the amount of such damages to the owner by the school trustees, the land shall be taken and used for the purpose aforesaid;

Exception.

4. Nothing herein contained, shall authorize the selection in a township of a site within a hundred yards of a garden, orchard, pleasure ground or dwelling house of the owner of such site, without the consent of such owner;



5. Nothing in this section shall be held to restrict trustees in the enlargement of a school site, existing at the passing of this Act, to the required dimensions ;

6. No such enlargement shall be made in the direction of the orchard, garden or dwelling house, without the consent of the owner of the land required, unless the school site cannot be otherwise enlarged; nor shall it, without the consent of such owner, include any part of his garden, or the grounds attached to his dwelling-house ;

7. Any award for a school site made and published under this section, if there be no conveyance, shall thereafter be deemed to be the title of the trustees to the land mentioned in it, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the registry office on the affidavit of one of the trustees verifying the same.

### 3. Arbitrations—Remedial Provisions.

**36.** Should the majority of the school trustees, or the majority of a public school meeting, neglect or refuse, in case of a difference in regard to a school site, to appoint an arbitrator, as provided in the thirty-fourth section of this Act, or should the owner of land selected as a school site, as provided by the thirty-fifth section of this Act, neglect or refuse to appoint an arbitrator, it shall be competent for the County Inspector, with the arbitrator appointed, to meet and determine the matter; and the County Inspector, in case of such refusal or neglect, shall have a second or casting vote, provided they should not agree.

Appointment of School Site Arbitrators.—  
Their powers.

**37.** Should only a majority of the arbitrators appointed to decide any case arising under the authority of this Act be present at any lawful meeting, in consequence of the neglect or the refusal of their colleague to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, and give the absent arbitrator notice of the adjournment.

Proceedings where an arbitrator is absent.

### 4. Titles to School Sites and other Property.

**38.** All Corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femmes-coverts, or other persons, seized, possessed of or interested in any land may contract for, sell and convey all or part thereof to school trustees for a school site, or an addition to the school site, or for a teacher's residence; and any contract, agreement, sale, conveyance and assurance so made shall be valid and effectual to all intents and purposes whatsoever; and the

Who may convey school sites.

Corporation

Corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of this Act ;

Remedy in  
case of ab-  
sence of owner.

2. If the owner of land duly selected for the said purpose is absent from the county in which the land lies, or is unknown, the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter ; that he knows the land, and that some certain sum therein named is, in his opinion, a fair compensation for the same ; and on filing the said certificate with the judge of the county court of the county in which the land lies, accompanied by an affidavit or affidavits which shall satisfy the judge that the owner is absent from the county, and that after diligent enquiry, he cannot be found, the judge may order a notice to be inserted for such time as he shall see fit in some newspaper published in the county ; and he may, in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same to be effected in any other way as he shall see fit ;

What notice  
shall contain.

Arbitrators.

3. The said notice shall contain a short description of the land ; a declaration of the readiness of the trustees to pay the sum certified as aforesaid ; shall give the name of a person to be appointed as the arbitrator of the trustees if their offer of that sum be not accepted ; shall name the time within which the offer is to be accepted, or an arbitrator named by the owner ; and shall contain any other particulars which the county judge may direct ;

Judge may  
appoint one.

4. If within such time as the judge directs, the owner does not notify the trustees of the acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, the judge shall, on the application of the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property ;

Responsibility  
of trustees as  
to compensa-  
tion.

5. Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land ; and after the trustees have taken possession of land, any claim to or incumbrance upon the same or any portion thereof, shall, as against the trustees, be converted into claim to the compensation, or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to a party not entitled to receive the same, saving always their recourse against such party ;

In case of  
incumbrance.

6. If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable, refuse to execute the proper conveyance, or if the party entitled to claim the same cannot be found or is unknown to the trustees, or if for any other reason the trustees deem it advisable, they may pay the arbitration and other expenses, and deposit the amount of the compensation with the county treasurer, or in such other manner as the Inspector may direct, with interest thereon for six months, and may deliver therewith an authentic copy of the conveyance, or of the agreement or award if there be no conveyance ; and such agreement

Deposit of  
compensation  
money.

or

or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the registry office on an affidavit of one of the trustees verifying the same.

Award to be registered.

#### 10. ESTABLISHMENT OF SCHOOL SECTIONS IN UNORGANIZED TOWNSHIPS.

**39.** In unorganized townships in any county or district it shall be lawful for the Stipendiary Magistrate thereof and the Public School Inspector (if any) of the County or District, or for the Stipendiary Magistrate alone, if there be no Inspector, and for the Inspector alone, if there be no Stipendiary Magistrate, to form a portion of a township, or of two or more adjoining townships, into a School Section: Provided that no such section shall, in length or breadth, exceed five miles in a straight line; and, subject to this restriction, the boundaries may be altered by the same authority from time to time, and the alteration shall go into operation on the twenty-fifth day of December next after such alteration: Provided further that no such school section shall be formed except on the petition of five heads of families resident therein.

Formation of School Sections in unorganized Townships.

Proviso.

Proviso.

**40.** After the formation of such a school section, it shall be lawful for any two of the petitioners, by notice posted for at least six days in not less than three of the most public places in the section, to appoint a time and place for a meeting for the election, as provided by law, of three school trustees for the section.

Election of School Trustees.

**41.** The Trustees elected at such meetings, or at any subsequent school meetings of the section, as provided by law, shall have all the powers and be subject to all the obligations of Public School Trustees generally.

Trustees' powers and obligations.

**42.** The Trustees so elected shall annually appoint a duly qualified person to make out an assessment roll for the section, and shall transmit a certified copy thereof to the Stipendiary Magistrate (or Inspector); and it shall be the duty of the Stipendiary Magistrate, or of the Inspector, if there be no Stipendiary Magistrate, to examine the said roll, and correct any errors or improper entries which he shall perceive therein.

Annual Assessment Roll.

Revision of Assessment Roll.

**43.** A copy of the said roll, as so corrected, shall be open to inspection to all persons interested, at some convenient place in the section, notice whereof, signed by the Stipendiary Magistrate, or Inspector if there be no Stipendiary Magistrate, is to be annually posted in at least three of the most public places in the section, and shall state the place and the time at which the Magistrate or Inspector will hear appeals against said assessment roll; and such notice shall be posted as aforesaid by the Trustees

Appeal against Assessment Roll.



Trustees for at least three weeks prior to the time appointed for hearing the appeals.

Manner of  
appeal.

**44.** All appeals are to be made in the same manner and after the same notice, as nearly as may be, as appeals are made to a Court of Revision in the case of ordinary municipal assessments, and the Magistrate (or Inspector) shall have the same powers as such Court of Revision.

Confirmed  
Roll binding.

**45.** The annual roll, as finally passed and signed by the Magistrate (or Inspector,) shall be binding upon the trustees and rate-payers of the section until the annual roll for the succeeding year is passed and signed as aforesaid.

### PART III.—DUTIES AND POWERS OF TOWNSHIP COUNCILS.

#### I. DUTIES OF TOWNSHIP COUNCILS.

1. *Form or Unite Rural School Sections.*
2. *Rural School Assessments and Loans.*

**46.** It shall be the duty of every township council:—

##### 1. *Form or Unite Rural School Sections.*

Council to  
form new  
School Sec-  
tions, their  
size.

1. To form portions of the township, where no schools have been established, into school sections;

(a) No section shall be formed which shall contain less than fifty resident children, between the ages of five and sixteen years, unless the area of the section shall contain more than four square miles;

Union of exist-  
ing sections;  
Meetings to be  
called.

2. To unite two or more sections into one, in case (at a public meeting in each section called by the trustees or County Inspector for that purpose), a majority present of the assessed freeholders and householders of each of the sections request to be united;

3. To appoint a person in a new or united school section to call its first school section meeting; and cause such person to be notified by the township clerk in the manner prescribed in the eleventh section of this Act;

##### 2. *Rural School Assessments and Loans.*

Township  
clerk to furnish  
information to  
county in-  
spectors.

4. To cause the clerk of the township to furnish the County Inspector of schools with a copy of all the proceedings of the council relating to the formation or alteration of school sections, all school assessments, and other educational matters;

Council to im-  
pose certain  
payments as

5. To levy, by assessment upon the taxable property in any school section, such sum as may be required by the trustees thereof

thereof for the purchase of a school site, the erection, repair, rent, furniture, and fittings of a school house and its appendages, the erection and repair of fences, outbuildings, or the rent, purchase, or erection of teacher's residence, the purchase of maps, apparatus, text, library and prize books for the school, and salary of the teacher, assistant, or monitor, as may be determined by such trustees;

6. To issue a debenture or debentures, in the form given in Schedule A to this Act, for the amount made to the school trustees of any section or union section (should the council, under the authority of sub-section (2) of section forty-eight of this Act, grant to the trustees authority to borrow money) any loan which the council may authorize the trustees of such school section to make, together with a sufficient sum for the payment of the interest on the sum so borrowed, and a proportionate sum sufficient to form a sinking fund to pay off the principal at any time within ten years;

7. To cause to be levied in each year, upon the taxable property of the school concerned (and upon such other taxable property as is herein made liable in case of an alteration in the boundaries of the section or division) a sum sufficient to pay the interest on the amount borrowed by the trustees on the authority of the council, and also a sum sufficient to pay off the principal during any period not exceeding ten years, as may be agreed upon by the trustees and the lender of the money;

(a) Notwithstanding any alteration which may be made in the boundaries of such section or division, the taxable property situated in the school section or division at the time when such loan was effected, shall continue to be liable for the rate which may be levied by the township council for the repayment of the loan;

(b) If such rate be not paid, it may be collected by the Township Council, by distress and sale of goods and chattels, or by suit in the Division Court;

8 To appoint the county inspector, jointly with two other competent persons, before giving effect to the forty-eighth section of this Act, for the formation of township boards of public school trustees, to value the existing school houses, school sites, and other school property in each and every section of the township;

9. To adjust upon their report the claims of every school section, in regard to the estimated value in said report of its school house, site and other property, in such manner as the township council may deem just and equitable.

10. To pay to the inspector and other persons, while engaged in the valuation of school sites and other school property and reporting thereon, an allowance per day and for travelling expenses of not less an amount than that paid to a member of the county council for attendance at its meetings.

47. No township council shall levy and collect in any school section during any one year more than one school section rate, except for the purchase of a school site, or for the erection of a school house; and no such council shall give effect to any application

required by  
Trustees,

School loans.

Levy rate.

Principal and  
interest.

Proviso—  
Liability of  
old section.

Township  
valuators to  
estimate value  
of each school  
section  
property.

Remuneration  
to valuers.

Council not to  
levy more  
than one rate  
except in cer-  
tain cases.

application of trustees for the levying or collecting of rates for school purposes, unless the trustees of the school section make the application to the council at or before its meeting in August of the year in which the application is made.

## II. POWERS OF TOWNSHIP COUNCILS.

1. *Establish Township School Boards.*
2. *Authorize, or make Loans to School Trustees—Teachers' Salaries.*
3. *Provide School Houses, Library, Model School, etc.*
4. *Alteration of School Boundaries.*
5. *Township Assessors and Clerk.*

1. *School Section Assessment Roll—Mistakes.*
2. *Duties of County Clerks.*

48. Every township council shall have authority to pass by-laws for the following purposes:—

### 1. *Establish Township School Boards.*

All the sections of a Township may be united and a Township Board elected.

1. To abolish the division of a township into school sections and to authorize the establishment of a Public School Board for the township, in case a majority of the resident assessed freeholders and householders in at least two-thirds of the school sections of the township, (at public meetings in the school sections separately called for that purpose by the respective trustees of every section, or by the County Inspector,) express a desire that such local school sections should be abolished, and that all their schools should be conducted under one system and one management, like the schools in cities and towns;

(a) On the passage of such a by-law, all the Public schools of the township shall be managed by one board of five trustees;

(b) One of these five trustees shall be chosen in and for each ward, if the township be divided into wards, and if not so divided, then the whole number of the trustees shall be chosen in and for the whole township;

(c) The election of the trustees shall be held at the time and in the manner prescribed in the fourth, eleventh, and four following sections of this Act;

(d) The trustees so elected shall be a corporation, under the name of "The Public School Board of the Township of ———, in the County of ———," and shall be invested with the same powers, and be subject to the same obligations, as trustees in cities and towns, by the eightieth section of this Act;

### 2. *Authorize or make Loans to School Trustees—Teachers' Salaries.*

Council may authorize Trustees to borrow money

2. To grant to the trustees of any school section, on their application, authority to borrow any sums of money which they may



may think necessary for the purchase of school sites, for the erection or repair of a school house or school houses and their appendages, or for the purchase or erection of a teacher's residence; for special purposes, provide for re-payment.

3. To set apart surplus moneys for educational purposes, and to invest the same either in a loan or loans to school trustees or otherwise, as authorized by the one hundred and fifty-second and the one hundred and fifty-third sections of this Act ;

4. To apportion at its discretion either out of moneys raised by rate, or out of any other moneys at its disposal and not otherwise specifically appropriated, a sum to all of the public schools in the township equal to such proportion as the council may see fit of the actual salaries paid in the respective school sections during the year then last past to the public school teachers of such sections; Apportion rates or other moneys according to rate of teachers' salaries.

### 3. *Provide School Houses—Library—Model School.*

5. To provide for obtaining such real property as may be required for the erection thereon of public school houses, and for other public school purposes; and for providing any additional sums for the establishment and support of public schools, according to this Act; Real property. Support schools.

6. To levy such sums as it judges expedient for purchasing books for a township library, under such regulations as are provided in that behalf; Council may establish Libraries.

7. To levy such sums as it judges expedient for procuring the site, and for the erection and support of a township model school; and in such event the members of such township council shall be the trustees of such model school, and shall possess the powers of public school trustees in respect to all matters affecting such model school; Council may establish, and be Trustees of Model School.

8. To give its consent to the merging, by the trustees of any one or more public schools, at their discretion, of their schools into such model schools; Provided that tuition to student teachers in such model school shall be free; Public Schools may be united with Township Model School.

9. To correct any omission or mistake in the assessor's or collector's school roll; Correct mistakes in school roll.

### 4. *Alteration of School Boundaries.*

10. To alter the boundaries of a school section, in case it clearly appears that all parties to be affected by the proposed alteration in such boundaries have been duly notified of the proposed alteration by the council, or of any application made to it to do so; Alteration of existing sections; Notice to be given.

(a) Any alteration in the boundaries of a school section made at any previous time by a Township Council, or the neglect or refusal of the Council to alter such boundaries at the request of the trustees of the school section concerned, or of the Inspector, may be appealed against to the County Council, as provided in section sixty-one of this Act;

School section boundaries must be altered by 1st May.

Notice.

**49.** Every alteration made in the boundaries of a rural school section by a Township Council, under the restrictions imposed in the Public School Acts, shall be by by-law, which by-law shall be passed not later than the first day of May in any year; and it shall be the duty of the Township Clerk to send forthwith, after the by-law has been passed, a written notice of the alteration to the trustees of every school section affected by the alteration, and to the Public School Inspector.

Union section and division boundaries to be made by reeves and inspectors, &c.

Majority present.

**50.** Every alteration in the boundaries of a union school section or division shall (under the restrictions imposed by this Act,) be made, in the case of the townships, by the reeves or deputy reeves of the townships and the inspector of the county or counties; and in the case of towns and villages, by the reeves or deputy reeves, the county inspector or inspectors, and a person appointed by the Public School Board as its representative for this purpose; and the alteration is to be made by a majority of the said persons who may be present at a lawful meeting called for that purpose.

Elections of trustees. Inspection and taxation in union school sections and divisions.

**51.** Every union school section or division, composed of portions of adjoining townships or portions of a township or townships, and a town or incorporated village, shall, for the purposes of the election of trustees, be deemed one school section or division, and shall be considered in respect to inspection and taxation for school purposes, as belonging to the township, town or village in which the school house is situated.

Formation and alteration of union sections —Inspector's duty.

**52.** On the formation or alteration of a union school section or division, under the authority of this Act, it shall be the duty of the county inspector concerned, forthwith to transmit a copy of the resolution, by which the formation or alteration was made, to the clerk of the municipality affected by the resolution.

Assessment equalized.

**53.** It shall be the duty of the mayor, reeve or deputy-reeve of the municipality concerned, and of the county inspector annually to equalize the assessment of every union school section or division.

First election in such united sections.

**54.** The first election in a new or united section shall be appointed and held in the same manner as is provided for in the eleventh and five following sections of this Act.

Share of school fund not affected.

**55.** The several parts of any altered or united school sections shall have respectively the same right to a share of the public school fund for the year of the alteration or union, as if they had not been altered or united..

Disposal of school property when not wanted.

**56.** In case a school site, or school house, or other school property be no longer required in a section, in consequence of the alteration or the union of school sections, the same shall be disposed of by sale or otherwise, in such manner as a majority

majority of the assessed freeholders and householders in the altered or united school sections may decide at a public meeting called for that purpose ; and the inhabitants transferred from one school section to another, shall be entitled, for the public school purposes of the section to which they are attached, to such a proportion of the proceeds of the sale of such school house or other public school property, as the assessed value of their property bears to that of the other inhabitants of the school section from which they have been so separated ; and the residue of such proceeds shall be applied to the erection of a new school house in the old school section, or to other public school purposes of such old section. In the case of united sections, the proceeds of the sale shall be applied to the like public school purposes of such united sections.

**57.** No alteration in the boundaries of a school section, union section or other school division, shall take effect before the twenty-fifth day of December next, after the alteration has been made.

#### 5. *Township Assessors and Clerk.*

##### 1. *School Section Assessment Rolls—Mistakes.*

**58.** Whenever the lands or property of any individual or company are situated within the limits of two or more school sections, each assessor appointed by any municipality, shall assess and return on his roll, separately, the parts of such lands or property, according to the divisions of the school sections within the limits of which such lands or property may be situate ;

(a) Every undivided occupied lot, or part of a lot, shall only be liable to be assessed for school purposes in the school section where the occupant resides.

**59.** Any township officer, having possession of the assessor's or collector's roll is hereby required to allow any one of the trustees, or their authorized collector, to make a copy of such roll, as far as it relates to their school section :

(a) In case of any omission or mistake in the roll, the Township Council shall have authority to correct it.

##### 2. *Duties of Township Clerks.*

**60.** It shall be the duty of every Township Clerk :—

1. To prepare in duplicate, a school map of the township, shewing the divisions of the township into school sections and parts of union school sections ;

2. To furnish one copy of such map to the county clerk, for the use of the county council, and retain the other in the township clerk's office, for the use of the township corporation ;

3. To furnish the County Inspector with the information required by the fourth clause of the *thirty-ninth*\* section of this Act ;

4.

\* Clerical error as to section, should be section forty-six.



To county  
treasurer.

4. To make a return to the county treasurer of any parcel of land liable to assessment, and of the uncollected school rates thereon, as returned to him by the rural school trustees of any section, as provided by this Act;

To county  
clerk.

5. To make within one week after the first day of March, under a penalty of twenty dollars in case of default, returns to the clerk of his county, of the total expenditure of the township on account of schools and education, including the information given to him by rural school trustees, as required by the eighteenth clause of the twenty-sixth section of this Act;

To rural school  
trustees.

6. To allow any one of the rural school trustees, or their authorized collector, to make a copy (so far as it relates to their section) of the township assessor's or collector's roll, if he have possession of such roll;

Notice.

7. To give notice to the person appointed by the Council to call the first school meeting in a new or united section, as provided in the *thirty-ninth*\* section of this Act;

8. To send forthwith, (after a by-law shall have been passed by the Township Council, altering the boundaries of a School Section), a written notice of the alteration to the trustees of every school section affected by the alteration, and to the Public School Inspector.

## PART IV.—DUTIES AND POWERS OF COUNTY MUNICIPAL COUNCILS.

### I. DUTIES OF COUNTY COUNCILS.

### II. DISCRETIONARY POWERS OF COUNTY COUNCILS.

### III. SALARIES OF TEACHERS—OFFICERS.

1. *Levy Equivalent to Legislative Grant.*
2. *Appoint County Public School Inspectors.*
3. *Appoint County Board of Examiners.*
4. *Appoint Auditors.*
5. *Exact Security, and allow no Deduction from School Fund.*

### 1. *Levy equivalent to Legislative Grant.*

To raise equiv-  
alent to Legis-  
lative school  
grant.

**61.** It shall be the duty of every County Council:—

1. To cause to be levied yearly upon the several townships of the county, for the payment of the salaries of legally qualified public school teachers, assistants or monitors, such sums of money as shall be at least equal (clear of all charges of collection) to the amount of school money apportioned by the Chief Superintendent of Education to the several townships of said county for the year, and notified by him to the council through the county clerk;

2.

\* Clerical error as to section, should be section forty-six.

## 2. *Appoint County Public School Inspectors*

2. To appoint and pay quarterly the county salary of one or more persons holding the necessary certificate of qualification (as prescribed by this Act), to be inspector or inspectors of public schools in the county, who shall each have charge of not more than one hundred and twenty, or less than fifty, schools each;

(a) It shall not be necessary to appoint more than one inspector in each riding of a county;

(b) In counties containing any municipality wherein the French or German language is the common or prevailing language, an inspector may have charge of any number of schools not less than forty;

(c) In Counties where there are or shall be more than fifty public schools, the county council may appoint two or more persons (according to the number of schools), holding such certificates, to be inspectors, and prescribe and number the territorial limits of each;

(d) In a county where there are two or more county inspectors, the council of such county may, from time to time, change or remove the inspectors from one circuit or riding of the county to another;

(e) The county remuneration of an Inspector, shall not be less than five dollars per school per annum, to be paid quarterly by the county council;

(f) Every county School Inspector shall be entitled to an allowance from the county council, including travelling expenses, of such an amount as the council may determine, when not fixed by law, for performing the following additional duties:—

(1) Equalizing annually, with the mayors, reeves, or deputy reeves, as required by law, the assessments in union school sections or divisions;

(2) Visiting and inspecting schools, and giving special certificates to teachers in new and remote townships, under the authority of this Act;

(3) To fill up, from among those legally qualified, any vacancy in the office of County Inspector caused by death, resignation, dismissal or other cause;

(a) No inspector dismissed shall be reappointed, without the concurrence of the party who has dismissed him;

## 3. *Appoint County Board of Examiners.*

4. To appoint a county board of legally qualified examiners, (for the examination and licensing of public school teachers, in accordance with the regulations provided by law,) consisting of the County Inspector and not more than four other competent persons, whose qualifications shall, from time to time, be prescribed by the Council of Public Instruction.

Expenses of  
the board.

5. To pay the incidental and other expenses of the Board of Examiners as follows:—

(a) Recompense to the members for their time, travelling and other expenses, at least equal to that which members of the county council receive; This recompense may be increased as may be determined by the council;

(b) Expenses of stationery, room, fuel, light, printing of notices, examination papers and certificates for teachers;

(c) Such remuneration to the secretary of the Board as the Board may deem just and expedient;

#### 4. *Appoint County School Auditors.*

Auditors of  
school moneys  
to be appoint-  
ed.

6. To appoint annually, or oftener, auditors, who shall audit the accounts of the county treasurer and other officers to whom Public or High School moneys have been entrusted, and who shall report to such council;

To obtain secu-  
rity from all  
persons en-  
trusted with  
school moneys.

7. To see that sufficient security is given by all officers of the council to whom school moneys are entrusted;

#### 5. *Exact security, and allow no deduction from School Fund.*

No deduction  
from school  
fund.

8. To see that no deduction is made from the school fund by the county treasurer or sub-treasurer for the receipt and payment of school moneys;

County coun-  
cils to appoint  
committees to  
settle appeal  
against forma-  
tion or altera-  
tion of school  
sections.

9. To appoint a committee of not more than five, or less than three, competent persons (two of whom shall be the County Judge and a County Inspector), and a majority of whom shall form a quorum, to investigate the matter of any appeal or complaint from a majority of the trustees, or any five rate-payers, of one or more school sections in any township, to the county council against any by-law or resolution passed at any time previously by their township council for the formation or alteration of their school section or school sections, or against the neglect or refusal of the township council, (on application being made to it by the trustees, or inspector,) to form or alter the boundaries of a school section or school sections;

(a) The committee thus appointed shall revise and alter the boundaries of the school section or school sections, so far as to settle the matters complained of;

Who may not  
act on the com-  
mittees.

(b) No person shall be competent to act on the committee who was or is a member of the township council which passed the by-law or resolution complained of;

Alteration in  
the sections  
not to take  
place before  
the end of the  
year.

(c) The alterations made in the boundaries of any school section or school sections by such committee, shall not take effect before the twenty-fifth day of December of the year in which the alterations are made;

Notice.

(d) Due notice of the alterations made by the committee, shall be given by the inspector to the clerk of the township and to the trustees of the school sections concerned



10. To provide, upon the application of the Inspector, suitable rooms or other accommodation for holding the examination of Public School Teachers in the county;

11. To make the necessary provisions for enabling the county treasurer to pay, not later than the fourteenth day of December in every year, the Public School Inspector's order, in favour of a teacher, assistant or monitor.

## 2. DISCRETIONARY POWERS OF COUNTY COUNCILS.

1. *Raise or Loan School Moneys.*
2. *Appoint Township sub-Treasurers.*
3. *Appoint Committee on Appeals on School Boundaries.*
4. *Aid new and needy School Sections.*

### 1. *Raise or loan School Moneys.*

**62.** Every county council shall have authority:—

1. To raise by assessment such sums of money as it may judge expedient, for the establishment and maintenance of a county public school library;

2. To set apart surplus moneys, as authorized by the one hundred and fifty-second section of this Act, for educational purposes, and to invest the same either by loan to school trustees or otherwise, as provided in that section;\*

### 2. *Appoint Township Sub-Treasurer.*

3. To appoint, if deemed expedient, one or more sub-treasurers of school moneys for one or more townships of the county;

(a) Every sub-treasurer shall be subject to the same responsibilities and obligations in respect to the accounting for school moneys, and the payment of lawful orders for such moneys given by any county inspector (within the parts of the county for which he is appointed sub-treasurer), as are imposed by this Act upon every county treasurer, in respect to the paying and accounting for school moneys;

4. To authorize and direct a separate examination, for the granting of certificates to public school teachers, to be held in each division of the county where there may be two inspectors in the county;

5. To supplement, out of local funds, any pension granted by the Council of Public Instruction to any public or high school teacher;

### 4. *Aid new and needy School Sections.*

6. To increase the sums of money levied yearly upon the several townships for the payment of duly qualified teachers, either;

\* Should be, and following sections.

- (a) In aid of the county school fund ; or,  
 (b) On the recommendation of one or more county inspectors, to give special or additional aid to new or needy school sections ;  
 7. To dismiss any County Inspector, for misconduct or inefficiency, by the vote of a majority of the members of the council, and by a two-thirds vote of such members, without cause assigned.

Remuneration  
of County In-  
spectors.

**63.** The county remuneration of each inspector shall not be less than five dollars per school per annum, to be paid quarterly by the county council ;

(a) The Council shall also have authority to determine and provide an allowance for his travelling expenses.

#### SALARIES OF TEACHERS—OFFICERS.

Such county-  
rate to be  
collected by  
14th December

**64.** The sum annually required to be levied in each county, for the salaries of legally qualified teachers, shall be collected and paid into the hands of the county treasurer, on or before the fourteenth day of December, in each year.

#### *Duties of County Treasurer and County Clerk.*

Pay Inspec-  
tor's order.

**65.** It shall be the duty of every County Treasurer :—

1. To pay out of the school assessment of the county the amount of the Inspector's lawful order on behalf of a public school teacher, assistant teacher, or monitor ;

Pay county  
assessment on  
14th Dec.

2. To pay such Inspector's lawful order, not later than the fourteenth day of December in every year, in anticipation of the payment into his hands of the county school assessment ;

Teachers not  
to be refused  
payment.

(a) Notwithstanding the non-payment to the county treasurer by the fourteenth day of December of the school assessment levied in the county, no teacher shall be refused the payment by the county treasurer or sub-treasurer of the sum to which on the inspector's order he may be entitled from such year's county school assessment ;

Pay to school  
division county  
assessment.

3. To pay over to the order of the Public School Board of any school division (consisting of a town or incorporated village and part or parts of an adjoining township or townships) any portion of a county assessment for school purposes which may be raised within such school division ;

Pay Inspec-  
tor's salary  
raised in  
towns sepa-  
rated.

4. To pay over to the order of the Public School Board of any town not separated from the county a sum of money equal to the amount collected within such town for the payment of the salary of the County Inspector ;

Pay superan-  
nuation money

5. To pay at the end of every half-year, to the order of the County Inspector, the amount of money which is in his hands, being money which such Inspector has deducted from the salaries of male teachers for the superannuated teachers' fund for each half-year.

**66.** It shall be the duty of every County Clerk:—

1. To notify the Chief Superintendent of Education of the appointment and address of every County Inspector and of the County Treasurer ;

Clerk to report appointments and proceedings to Chief Superintendent.

2. To furnish the Chief Superintendent with a copy of all proceedings of the council relating to school assessments and other educational matters ;

3. To transmit to the Chief Superintendent of Education, on or before the first day of March in each year, a certified copy in the form provided of the abstract of the report of the auditors ;

Clerk to transmit audited accounts to Chief Superintendent.

4. To give any explanation, as far as he is able, relating to the auditors' report which may be required by the Chief Superintendent.

## PART V.—CITIES, TOWNS AND INCORPORATED VILLAGES.

### 1. POWERS AND DUTIES OF MUNICIPAL COUNCILS.

#### 2. ELECTION OF SCHOOL TRUSTEES.

(1.) *In Cities and Towns divided into Wards.*

(2.) *In Towns and Villages not divided into Wards.*

#### 3. WHO ARE VOTERS—DISPUTED ELECTIONS—OFFICE OF TRUSTEE.

#### 4. UNION WITH TOWNSHIP OF TOWN OR VILLAGE.

#### 5. PUBLIC SCHOOL BOARDS AND THEIR DUTIES.

(1.) *Appoint Officers—Meetings.*

(2.) *Possession and Management of Property—School Houses.*

(3.) *Kinds of Schools, and their Teachers.*

(4.) *Unite with High School—Committee for each School.*

(5.) *Financial Estimate for Municipal Council.*

(6.) *Fees for Books and Stationery—Annual Meeting and Report—Teachers' Salaries.*

#### 6. CITY AND TOWN INSPECTORS, AND CITY BOARD OF EXAMINERS.

#### 7. COMPULSORY SALE OF SCHOOL SITE.

### I. POWERS AND DUTIES OF MUNICIPAL COUNCILS.

**67.** The municipal council of every city, town and incorporated village is hereby invested, within its limits, with the same powers, and shall be subject to the same obligations (so far as they can apply to such city, town and incorporated village), as the municipal councils of counties and townships are by this Act.

Powers of councils in cities, towns and villages.

**68.** The council of every city and town separated, may pass by-laws for the following purpose:—

Pupils competing for High School prizes.

1.



1. For making a permanent provision for defraying the expenses of the attendance at the High School, of such of the pupils of the Public Schools of the city or town as are unable to bear the expense but are desirous of, and, in the opinion of the respective masters of such Public and High Schools, possess competent attainments for competing for any scholarship, exhibition, or other similar prize, offered by such High School.

### ELECTION OF SCHOOL TRUSTEES.

#### (1.) *In Cities and Towns divided into Wards.*

First election of school trustees in cities and towns.

**69.** On the incorporation of any city or town, and the division thereof into wards :

(a) Two fit and proper persons shall, at the first election of school trustees, be elected school trustees of every ward, by a majority of the votes of the assessed free-holders and householders thereof;

Term of office.

(b) One of the trustees (to be determined by lot at the first meeting of trustees after their election,) shall retire from office at the time appointed for the next annual school election, and the other shall continue in office one year longer, and then retire ;

(c) Every trustee shall continue in office until his successor has been elected.

Two trustees to be annually elected in each ward.

**70.** For every ward into which any city or town is divided :

(a) There shall be two school trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected ;

(b) One of the trustees elected shall retire on the second Wednesday in January yearly in rotation.

Annual election of trustees.

**71.** In every city and town, on the second Wednesday in January :—

(a) An election shall be held in every ward at the place of the last municipal election, and under the direction of the same returning officer, and conducted in the same manner as an ordinary municipal ward election ;

(b) In case of the default of said returning officer, then the election shall be held under the direction of such person as the electors present may choose ;

One trustee in each ward.

(c) At such election one fit and proper person to be a trustee shall be elected by a majority of the votes of the assessed freeholders and householders in and for every ward ;

(d) The trustee so elected shall continue in office for two years, and until his successor has been elected.

Time and hours for school elections in rural sections, towns &c.

**72.** The poll at every election of a school trustee or trustees shall not close before eleven of the clock in the forenoon ;

(a).

(a) In cities, towns, and incorporated villages, the same time shall be allowed for the election of school trustees which is allowed by the 'Municipal Institutions' Act (which may be in force at the time), for the election of municipal councillors in such municipalities.

**73.** The Act relating to school trustee elections, passed in the thirty-second year of Her Majesty's reign, and chaptered forty-four, except the ninth and tenth sections thereof, shall apply to the City of Toronto alone. 32 V., c. 44, applies to Toronto alone.

(2.) *In Villages and Towns not divided into Wards*

**74.** The school boundaries of a village rural school section, or other school division, existing at the time of its incorporation, as a village or town municipality, shall continue in force, and be considered as the school boundaries of the newly incorporated village or town, notwithstanding its incorporation, until such boundaries are altered under the authority of this Act. New village boundaries.

**75.** In every town, not divided into wards, and in every incorporated village, there shall be six school trustees, two of whom, after the first election, shall retire from office yearly on the second Wednesday in January. Six trustees.

**76.** On the incorporation of any town or village :—

(a) The returning officer appointed to hold the first municipal election therein, shall call a meeting, by giving six days' notice in at least three public places in the town or village, for the election of school trustees to take place on the second Wednesday in January; First election of school trustees in a village or town.

(b) In case of his neglect to do so, for one month, any two freeholders in the town or village may, on giving like notice, call a meeting for this purpose;

(c) At such meeting six trustees shall be elected, who shall hold office during the periods mentioned in the next succeeding section.

**77.** The trustees of every such town and village shall be divided by lot into three classes, each consisting of two trustees, and to be numbered one, two, three; Trustees when first elected to be classified.

(a) The first of which classes shall hold office one year;

(b) The second of which classes shall hold office for two years;

(c) The third of which classes shall hold office for three years, and until their successors respectively are elected.

**78.** The trustees composing one of such classes shall retire yearly in rotation :— Such trustees to retire yearly by rotation.

(a)

(a) The order of such rotation of the trustees first elected shall be determined by lot at the first meeting of the trustees after their election ;

(b) Except the trustees elected at the first election, the trustees so to retire shall be those who have held the office for the then next preceding three years, or who have been elected to supply any vacancy in the retiring class.

Annual election of two trustees in towns and villages.

**79.** A school meeting shall be held annually on the second Wednesday in January, in every such town and village, at the place of the then last annual election of councillors :

(a) At this meeting the assessed freeholders and householders of the town or village shall elect two persons to be trustees in the place of the two retiring from office ;

(b) The trustees so elected shall continue in office three years, and until their successors have been elected.

### (3.) WHO ARE VOTERS—DISPUTED ELECTIONS— OFFICE OF TRUSTEE.

Challenging voters at school elections.

**80.** In case an objection be made to the right of any person to vote at an election in any city, town or village, or upon any other subject connected with school purposes therein, the returning officer presiding at the election shall require the person whose right of voting is objected to, to make the following declaration :

Declaration.

“ I do declare and affirm that I have been rated on the assessment roll of this city (town or village division, *as the case may be*), “ as a freeholder, (householder or tenant *as the case may be*), “ and that I have paid a public school tax in this ward, (town “ or village *as the case may be*), within the last twelve months, “ and that I am legally qualified to vote at this election.”

Whereupon the person making such a declaration shall be permitted to vote.

Terms for which persons are elected to fill vacancies.

**81.** Any trustee elected to fill an occasional vacancy in a public school board, shall hold office only for the unexpired term of the person in whose place he is elected to serve.

Re-election of any trustee lawful.

**82.** Any retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office.

Contested elections in cities, towns, and villages.

**83.** It shall be the duty of the judge of the county court :—

(a) Within twenty days after the election of a public school trustee or trustees in any city, town, or incorporated village within his county, to receive and investigate any complaint respecting the mode of conducting the election, and confirm it or set it aside, and appoint the time and place of holding a new election, as he may judge right ;

(b)



(b) The expenses of the investigation of any such complaint shall be paid by the parties concerned in it, as may be decided by the County Judge. Costs of contested elections.

#### (4.) UNION OF TOWN OR VILLAGE WITH TOWNSHIP.

**84.** Part of a township, or parts of townships, and an adjoining town or village, may be united by the reeves or the deputy reeves, county inspector or inspectors, and a person appointed by the public school board concerned, or its representative for this purpose: School union in town or village.

(a) The alteration shall be made by a majority of the said persons who may be present at any lawful meeting called for that purpose;

(b) Such union of portions of a township or townships, and an adjoining town or incorporated village, shall, for the purposes of the election of trustees, be deemed one school section or division;

(c) Such union shall also be considered in respect to inspection and taxation for school purposes, as belonging to the township, town or village in which the school-house is situated;

(d) It shall be the duty of the mayor, reeve or deputy-reeve of the municipality concerned, and of the county inspector, annually to equalize the assessment of such union school division;

(e) Any portion of a county assessment for school purposes, which may be raised within any such school division, shall be paid over by the county treasurer to the order of the board of trustees thereof.

#### (5.) PUBLIC SCHOOL BOARDS AND THEIR DUTIES.

**85.** The school trustees for each city, town, incorporated village or division, shall be a corporation, under the name of a Corporation. Trustees to be a Corporation. "The Public School Board of the City [Town, Village or Division] of ———, in the County of ———," and shall succeed to all the corporate property, rights and powers, and be subject to all the corporate obligations and liabilities of the preceding trustees.

**86.** It shall be the duty of the Public School Board of every city, town, incorporated village and division respectively, and they are hereby authorized; Duties of the public school board.

##### (1.) *Appoint Officers—Meetings.*

1. To elect annually, or oftener, from among their own members, a chairman, who shall have a right to vote at all times; Election of chairman and his vote.

(a) In case of an equality of votes on any question before the board, the question shall be held to be decided in the negative; Majority of votes to govern.

Time and place  
of meeting of  
Board.

2. To appoint the times and places of their meetings and the mode of calling them, and of conducting and recording their proceedings, and of keeping all their school accounts ;  
(a) The first meeting of every Board may be called by any member thereof, and it shall take place in the city, town or village council-room ;

Appointment  
of secretary,  
collector and  
treasurer.

3. To appoint :

(a) A secretary or secretary-treasurer ;

(b) One or more collectors, if requisite of such school fees or rate-bills, as the Board may have authority to charge ;

1a. The collector or collectors and secretary-treasurer, may be of their own number ;

2a. The secretary-treasurer and the collector or collectors shall be subject to the same duties, obligations and penalties as the like officers in rural school sections ;

### (2.) *Possession and Management of Property—School Houses.*

Board to take  
possession of  
all public  
school  
property.

To manage or  
dispose of it.

To apply pro-  
ceeds.

4. To take possession of all public school property :

(a) To accept and hold as a corporation all such property acquired or given at any time, for public school purposes, in the city, town, or village, by any title whatsoever ;

(b) To manage or dispose of such property, and all money or income for public school purposes ;

(c) To apply the same, or the proceeds thereof, to the objects for which they have been given or acquired ;

To provide  
school pre-  
mises, appa-  
ratus, text-books  
and library.

5. To do whatever they may judge expedient with regard :

(a) To purchasing or renting school-sites and premises ;

(b) To building, repairing, furnishing, warming, and keeping in order the school houses and appendages, lands, enclosures, and movable property ;

(c) To procuring suitable maps, apparatus, text and prize books, and for establishing and maintaining school libraries ;

6. To appoint (in towns and incorporated villages only) a representative of the board to meet with the mayor, reeve or deputy-reeve, and county inspector, to make any alteration which may be proposed in the school boundaries of such town or village ;

### (3.) *Kinds of Schools, and their Teachers.*

Kind of  
Schools.

7. To determine—

(a) The number, sites, kind, grade and description of schools (such as male, female, infant, central, or ward schools) to be established and maintained in the city, town, village or division ;

Teachers.

(b) The teachers, assistants, and monitors to be employed ; the terms on which they are to be employed ; the amount of their remuneration, and the duties which they are to perform ;

(c)

(c) The salary of the inspector of schools (to be appointed in cities and towns only) as provided by this Act; Inspector.

8. To ascertain before the thirty-first day of December in every year, through the assessor, collector, or some other person to be appointed for that purpose, and paid by them, the names, ages and residences of all the children of school age in their division or municipality, as the case may be—distinguishing those children between the ages of seven and twelve years inclusive—who have not attended any school (or who have not been otherwise educated) for four months of the year, as required by this Act; Trustees to ascertain names of absentee children.

9. To notify personally, or by letter or otherwise, the parents or guardians of such children of the neglect or violation on their part of the provisions of this Act in regard to compulsory education; Notify parents.

10. To impose a rate-bill not exceeding one dollar per month for each of their children not attending school upon said parents or guardians, who, after having been so notified, continue to neglect or violate the said provisions of this Act, or to make complaint of such neglect or violation to a magistrate having jurisdiction in such cases, as provided by this Act, and to deliver to said magistrate a statement of the names and residences of the parents or guardians of such children; Impose a rate-bill or make complaint to magistrate.

#### 4.—*Financial Estimate for Municipal Council — Teachers' Salaries.*

11. To prepare from time to time, and lay before the municipal council of the city, town, or village, an estimate of the sums which they think requisite: To lay before municipal councils estimate for moneys.

(a) For paying the whole or part of the salaries of the Inspector, (in cities and towns only), and of Public and Industrial School teachers in cities, towns and villages; For salaries of teachers—procuring school premises.

(b) For purchasing or renting public and industrial school premises;

(c) For building, renting, repairing, warming, furnishing, and keeping in order the public and industrial school-houses and their appendages and grounds; For building, repairing, and keeping in order school-houses.

(d) For procuring suitable apparatus and text, prize and library books for such schools; For procuring apparatus, text books, and libraries, &c.

(e) For the establishment and maintenance of school libraries; and

(f) For all other necessary expenses of the schools under their charge;

And the council of the city, town, or village, shall provide such sums in the manner desired by the said public school board; Council required to provide necessary funds.

12. To appoint a fit and proper person to collect the rate-bills or school fees chargeable by them upon the inhabitants of their municipality or division, or upon those who are non-resident, or the sums which the said inhabitants have subscribed; Appointment and duty of School Collector.

13. To pay such collector, at the rate of not less than five nor more than ten per centum on the moneys collected by him;

(a)



Collector to  
give security.

Collector's  
powers.

Moneys to be  
subject to the  
order of the  
board.

Treasurer.

Trustees may  
collect a dis-  
cretionary fee  
from parents.

Trustees and  
Inspector's  
orders to  
teachers.

Trustees to  
give orders for  
sums due to  
Creditors.

Trustees to  
give notice of  
Annual and  
Special Meet-  
ings.

To see that  
authorized  
books are used,  
and appoint  
Librarian.

Adequate ac-  
commodation.

To see that  
regulations are  
observed.

Admit non-  
resident pupils

Provide  
Registers.

(a) Every such collector shall give security satisfactory to the trustees;

(b) Such collectors shall have the same powers by virtue of a warrant, signed by a majority of the trustees, in collecting the school-rate or subscription, and shall proceed in the same manner as ordinary collectors of county and township rates and assessments;

(c) All moneys thus collected shall be paid into the hands of the treasurer of the city, town, village, or school division, or of the treasurer or secretary-treasurer of the board, for the public school purposes of the same, subject to the order of the Board;

14. To appoint, at their discretion, some fit and proper person, to be treasurer or secretary-treasurer to the corporation; who shall give such security as may be required by a majority of the trustees;

(a) For the correct and safe keeping and forthcoming (when called for) of the papers and moneys belonging to the corporation;

(b) And for the receiving and accounting for all school moneys collected by rate-bill, subscription, or otherwise, from the inhabitants of the municipality or from non-residents;

(c) And for the disbursing of such moneys in the manner directed by the majority of the trustees;

15 To give, with the School Inspector, orders to duly qualified teachers, assistants, or monitors on the treasurer of the municipality for the salaries due to them;

16. To give orders to other school officers and creditors for the sums due to them, on the treasurer of the city, town, or village, or on their own treasurer or secretary-treasurer;

17. To call and give notice of annual and special school meetings of the assessed freeholders, householders and tenants of the city, town, or village, or of any ward therein, for filling up vacancies in the school trustee corporation, or for any other purpose, in the manner and under the regulations prescribed by this Act;

18. To see that all the pupils in the schools are duly supplied with a uniform series of authorized text-books;

19. To appoint a librarian to take charge of the school library or libraries;

20. To provide adequate accommodations for all children of school age in the municipality;

21. To see that all the schools under their charge are conducted according to the authorized regulations;

22. To admit to their school, on the payment in advance of a school fee not exceeding fifty cents per pupil per calendar month, any non-resident pupils who reside nearer to such school than to the school of their own section or division;

(a) In case of dispute as to the distance from the school, the inspector shall decide;

23. To provide, at the expense of the school, general admission and daily class register, in the prescribed form;

24. To provide for the payment of the salary of the masters and teachers for the authorized holidays occurring during the period of their engagement with the trustees, and also for the vacations which follow immediately on the expiration of the school term during which they have served, or of the term of his agreement with such trustees; and also for salary during sickness as certified by a medical man for a period at the rate of not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees;

Teachers entitled to holidays and vacations.

25. To prepare and publish, at the end of every year, in one or more of the public newspapers, or otherwise, for the information of the inhabitants of the city, town or village, an annual report of their proceedings, of the progress and state of the schools under their charge, and of the receipts and expenditure of all school moneys;

Annual report.

26. To prepare and transmit annually, before the fifteenth of January, to the Chief Superintendent of Education, in the form provided by him, a report signed by a majority of the trustees, containing all the items of information which may be required therein.

To prepare Annual Report for Chief Superintendent.

**§7.** Every Public School Board in a city, town, incorporated village or school division, shall have authority:—

1. To appoint annually or oftener, if they judge it expedient, and under such regulations as they think proper, a committee of not more than three persons for the special charge, oversight, and management of each school within the city, town, or village;

To appoint a committee for each school.

2. To collect at their discretion from the parents or guardians of children attending any public school under their charge, a sum not exceeding twenty cents per calendar month, per pupil, to defray the cost of text-books, stationery and other contingencies;

Trustees may may collect a discretionary fee from parents.

3. To admit non-resident pupils to their school, on payment of reasonable fees or rate-bill not exceeding fifty cents per calendar month per pupil, payable in advance;

Non-resident pupils to be admitted on payment of fee.

(a) The Board is required to admit all non-resident pupils to their school who reside nearer to such school than to the school in their own section;

(b.) In case of dispute as to the distance, the inspector shall decide, and the trustees shall then admit said non-resident pupils;

4. To increase, at their pleasure, the period fixed by this Act (of not exceeding four weeks for the entire year) for which a teacher shall be entitled to his salary in the case of sickness, as certified by a medical man;

Case of sickness. Four weeks allowed.

5. To supplement out of local funds, at their pleasure, the pension granted by the Council of Public Instruction to a public school teacher;

6. To adopt, at their discretion (but not after the first day of July, one thousand eight hundred and seventy-four) such measures as they may judge expedient, in concurrence with the trustees of the High School, for uniting one or more of the public

To unite with High School if expedient.

public schools of the city, town, or village, with such High School;

Invest surplus. 7. To invest, as they may see fit, any surplus moneys for educational purposes, as provided in the one hundred and fifty-second section of this Act;

May exercise same powers as Rural Trustees. 8. To exercise as far as they judge expedient, in regard to their city, town or village, all the powers vested in the trustees of each school section in regard to such school section.

#### COMPULSORY SALE OF SCHOOL SITE IN CITIES, TOWNS AND VILLAGES.

School sites.

9. To select land for a school site on which to erect a school house or school houses and necessary buildings, or for enlarging school premises already held :—

Owner of land must sell school site selected.

(a) If the owner of such land shall refuse to sell the same, or shall demand therefor a price deemed unreasonable by the Board, the proprietor of such land, and the Board, shall each forthwith select an arbitrator;

Arbitrator.

(b) The arbitrators thus chosen and the County Inspector, or any two of them, or the trustees' arbitrator and the inspector (in case the owner should neglect or refuse to appoint an arbitrator), shall appraise the damages to the owner of such land;

(c) Upon the tender of payment by the Board of the amount of such damages to the owner, the land shall be taken and used for the purpose aforesaid;

Exception.

(d) Vacant land only shall be taken in such city, town or village for a school site without the consent of the owner or owners;

Parties unknown.

(e) Lands in the hands of parties unknown or under any disability named, shall be taken as provided in the thirty-eighth section of this Act;

Registration of award.

(f) In case no deed of the site can be obtained, the award of the arbitrators shall, on the affidavit of one trustee, be registered at the registry office.

#### 6.—CITY AND TOWN INSPECTOR—CITY BOARD OF EXAMINERS.

88. It shall be the duty of the Public School Board in every city and town :—

City and town inspector.

1 To appoint, from time to time, from among those holding the necessary certificates of qualification one person to be inspector of Public Schools in the city or town;

Powers.

(a) The inspector appointed shall possess all the powers, and be subject to all the obligations enumerated in the one hundred and fourteenth section of this Act;

Dismissal.

(b) Any city or town inspector shall be subject to dismissal for misconduct or inefficiency, by a majority of the members of the Board appointing him, or by a two-thirds vote of the members of such Board, without such cause;

Vacancies.

(c) Any vacancy caused by dismissal, death or resignation, shall be filled by the Board by the appointment of some legally qualified



qualified person; but the person dismissed shall not be re-appointed without the concurrence of the party who had dismissed him;

(d) The remuneration of each city and town inspector shall be determined and provided for by the Board appointing him; Remuneration of inspector.

2. To provide for the payment to the inspector of such city or town of a sum at the rate of five dollars per day while he is engaged in the examination of pupils for admission to the High School or Collegiate Institute; Pay Inspector as Examiner.

3. To provide for the payment of the contingent expenses of the examination for the admission of pupils to the High School or Collegiate Institute. Pay contingent expenses.

**89.** It shall be the duty of the Public School Board of every city:—

1. To appoint a City Board of Examiners for the examination and licensing of Public School Teachers, as provided in Part VIII. of this Act; Appoint City Examiners.

2. To provide for the payment of the expenses of the members of the City Board of Examiners, as provided in Part VIII. of this Act; Pay Expenses of Members.

3. To provide suitable rooms or other accommodation for holding the examination of teachers in the city, upon the application of the city inspector. Provide rooms

## PART VI.—PUBLIC SCHOOL TEACHERS AND THEIR DUTIES.

1. QUALIFIED TEACHER DEFINED.

2. TEACHER CANNOT BE TRUSTEE OR INSPECTOR.

3. SPECIFIC DUTIES OF TEACHERS.

4. PROTECTION IN REGARD TO SALARY.

5. SUPERANNUATION OF TEACHERS.

### 1. QUALIFIED TEACHER DEFINED.

**90.** No male or female teacher, assistant, or monitor of a public school, shall be deemed legally qualified, who does not at the time of his or her engaging with the trustees, and during the period of the engagement with the trustees, hold a certificate of qualification, as provided in this Act. Qualified teacher defined.

### 2. CANNOT BE TRUSTEE OR INSPECTOR.

**91.** No master or teacher of a Public or High School shall hold the office of school trustee or school inspector. Teacher not to hold certain offices.

### 3. SPECIFIC DUTIES OF TEACHERS.

**92.** It shall be the duty of every Teacher of a public school: Duties of Public School Teacher.

1.

To teach according to Law and Regulations.

1. To teach diligently and faithfully all the branches required to be taught in the school, according to the terms of his engagement with the trustees, and according to the provisions of this Act and the authorized regulations under it.

To keep the Register of the School.

2. To keep in the prescribed form the general, entrance and the daily class, or other, registers of the school.

(a) He shall record therein the admission, promotion, removal, or otherwise of the pupils of his school;

To maintain proper order and discipline.

3. To maintain proper order and discipline in his school, according to the authorized forms and regulations;

To keep a Visitors' Book.

4. To keep a visitors' book (which the trustees shall provide) and enter therein the visits made to his school, and to present said book to every visitor, and request him to make therein any remarks suggested by his visit;

To give access to Register and Visitors' Book.

5. To give the trustees and visitors access at all times, when desired by them, to the registers and visitors' book appertaining to the school;

Deliver up registers and key.

6. To deliver up any school registers, visitors' book, school house key, or other school property in his possession, on the demand or order of the majority of the trustee corporation employing him;

In case of refusal.

(a) In case of his wilfully refusing to do so, he shall be deemed guilty of a misdemeanor, and shall not be deemed a qualified teacher until restitution be made, and shall also forfeit any claim which he may have against the said trustees;

To hold public quarterly examinations.

7. To have at the end of every quarter a public examination of his school, of which he shall give due notice to the trustees of the school, to any school visitors who reside in or adjacent to the school, and through the pupils to their parents and guardians;

To furnish information to the Chief Superintendent and Inspector.

8. To furnish to the Chief Superintendent of Education, or to the School Inspector, when desired, any information which it may be in his power to give respecting anything connected with the operations of his school, or in any wise affecting its interests or character;

#### 4. PROTECTION IN REGARD TO SALARY.

Protection of teachers in regard to salary.

**93.** Any teacher shall be entitled to be paid at the rate mentioned in his agreement with the trustees, even after the expiration of the period of his agreement, until the trustees pay him the whole of his salary as teacher of the school, according to their engagement with him;

(a) This section shall only apply where the teacher prosecutes his claim for salary within three months after it is due and payable by the trustees.

Provision in case of difference between teacher and trustees.

**94.** All matters of difference between trustees and teachers, in regard to salary or other remuneration, shall be brought and decided in the division court by the judge of the county court in each county;

(a) The decision of any county judge in all such cases may be appealed from, as provided by this Act;

(b)

(b) In pursuance of a judgment or decision given by a county judge in a Division Court, under the authority of this section, and not appealed from, execution may issue from time to time, to recover what may be due of the amount which the judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder.

Issue of  
execution.

#### 5. SUPERANNUATION OF TEACHERS.

**95.** Every male teacher of a public school holding a certificate of qualification under the School Acts shall pay into the fund for the support of superannuated school teachers, through the Public School Inspector, the sum of at least four dollars annually in half-yearly sums ;

Annual pay-  
ments to  
superannuated  
School  
Teachers'  
Fund.

(a) Every female teacher holding a like certificate, and every legally qualified master or teacher of a High School, may also, while engaged in teaching, pay into the fund a like or larger sum annually.

**96.** Any teacher retiring from the profession shall be entitled to receive back from the Chief Superintendent one half of any sums paid in by him or her to the fund, through the Public School Inspector, or otherwise ;

Teachers  
retiring to be  
paid back.

(a) On the decease of any teacher, his wife, her husband, or other legal representative, shall be entitled to receive back the full amount paid into the superannuation fund by such teacher, with interest at the rate of seven per centum per annum.

**97.** Every teacher who, while engaged in his profession, contributes to the Superannuated Teachers' Fund, as provided by this Act, shall, on reaching the age of sixty years, be entitled to retire from the profession at his discretion, and receive an allowance or pension at the rate of six dollars per annum for every year of such service in Upper Canada or Ontario, upon furnishing to the Council of Public Instruction satisfactory evidence of good moral character, of his age, and of the length of his service as a Public or High School Teacher in Upper Canada or Ontario ;

Right of  
teachers to  
retire.

Pension on  
reaching 60  
years of age.

Condition of  
Pension.

(a) Such pension may be supplemented out of local funds by any Municipal Council, Public or High School Board or Board of Education, at its pleasure.

**98.** Every teacher under sixty years of age who has contributed as aforesaid and who is disabled from practising his profession, shall be entitled to a like pension, or local supplementary allowance, upon furnishing the like evidence, and upon furnishing to the Council from time to time, in addition thereto, satisfactory evidence of his being disabled ;

Teachers  
under 60.

(a) Every Teacher entitled to receive an allowance from the Superannuated Teachers' Fund, who holds a first or second class Provincial Certificate, or who is an authorized Head Master

ter



\$1 per annum  
extra to cer-  
tain teachers.

Proviso in  
regard to  
good moral  
character.

Resume pro-  
fession.

Condition of  
pension.

School Trea-  
surer to pay  
inspector su-  
perannuation  
money.

ter of a High School or Collegiate Institute, shall, in addition to said allowance or pension, be entitled to receive a further allowance at the rate of one dollar per annum for every year of service while he held such certificate, or while he acted as Head Master of a High School or Collegiate Institute.

**99.** The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the pensioned teacher fail to maintain a good moral character, to be vouched for (when required) to the satisfaction of the Council of Public Instruction.

**100.** If any pensioned teacher shall, with the consent of the Council, resume the profession of teaching, the payment of his allowances shall be suspended from the time of his being so engaged.

(a) In case of his again being placed by the Council on the superannuation list, a pension for the additional time of teaching shall be allowed him, on his compliance with this Act and the prescribed regulations.

**101.** No teacher shall be entitled to share in the superannuated teachers' fund, unless:—

(a) He has contributed to said fund the sum of four dollars, or more, per annum, during and for the period of his teaching school, or of his receiving aid from said fund.

(b) He furnishes satisfactory evidence to the Council of Public Instruction, of good moral character, age and length of service in this Province as a public or high school teacher, as provided by this Act.

**102.** The municipal treasurer, or other treasurer of school moneys, shall, at the end of each half-year, pay over to the order of the Inspector the amount of money which is in such treasurer's hands, being money which said Inspector has deducted, as required by law, from salaries of male teachers for the superannuated teachers' fund for such half-year, or which is due and payable by any male teacher to the fund.

## PART VII.—INSPECTORS OF PUBLIC SCHOOLS.

1. QUALIFICATIONS OF INSPECTORS—RESTRICTION.
2. APPOINTMENT, REMOVAL, AND SALARY OF INSPECTORS.
3. DUTIES OF COUNTY INSPECTORS.

- (1.) *Oversight of Schools—Apportionment of Moneys.*
- (2.) *Cheques to Teachers—Superannuation Moneys.*
- (3.) *Visitation and Inspection of Schools—Lectures.*
- (4.) *Management of Schools—Meetings of Mayors, Reeves, etc.*
- (5.) *Settlement of Complaints and Differences.*
- (6.) *Election List—Duty of Inspector.*
- (7.) *Suspending and giving Teachers' Certificates.*
- (8.) *Guided by Instructions—Annual Report.*
- (9.) *Apportionment to Union School Sections.*

## 4. DUTIES OF CITY AND TOWN INSPECTORS OF SCHOOLS.

- (1) *Oversight and Examination of Schools.*
- (2) *Sections—Management of Schools—Text Books.*
- (3) *Meetings of Examiners—Teachers' Certificates,*
- (4) *Miscellaneous Sections.*

## QUALIFICATIONS OF INSPECTORS—RESTRICTION.

**103.** The qualifications of county, city and town inspectors shall, from time to time, be prescribed by the Council of Public Instruction, which shall determine the time and manner of examination of candidates for certificates of qualification as inspectors, and grant such certificates. Qualifications of Inspectors.

**104.** No inspector shall be a teacher or trustee of any public, high or separate school while he holds the office of inspector. School Inspector shall not hold certain offices.

## 2. APPOINTMENT, REMOVAL, AND SALARY OF INSPECTORS.

**105.** Each county inspector of public schools shall be appointed by the County Council, and every city or town inspector shall be appointed by the Public School Board of the city or town; Appointment of Inspectors.

(a) Any county, city, or town inspector shall be subject to dismissal by a majority of the members of the council or board appointing him in case of misconduct or inefficiency, or by a vote of two-thirds of such council or board without such cause; Conditions of dismissal of inspector.

(b) County inspectors shall be subject to dismissal by the Lieutenant-Governor for misconduct or inefficiency;

(c) No dismissed inspector shall be re-appointed without the concurrence of the party who has dismissed him;

(d) No person shall be eligible to be appointed an inspector who does not hold a legal certificate of qualification as required by the one hundred and third section of this Act. Qualification of inspectors.

**106.** The county remuneration of an inspector shall not be less than five dollars per school per annum, to be paid quarterly by the County Council; Salary and remuneration of Inspectors.

1. The County Council shall also have authority to determine and provide:—

(a) For the travelling expenses of the county inspector;

(b) It shall be lawful for the Lieutenant-Governor to direct the payment, out of the Consolidated Revenue, of an additional sum, not exceeding five dollars per school per annum, to each county inspector.

*Additional Allowance to County Inspectors.*

**107.** Every county school inspector shall be entitled to an allowance from the county council, including travelling expenses, Additional allowance to County Inspectors.

of such an amount as the council may determine, when not fixed by law, for performing the following additional duties :—

Equalizing  
assessments.

(1) Equalizing annually, with the mayors, reeves, or deputy-reeves, as required by law, the assessments in union school sections or divisions ;

Visiting new  
Townships.

(2) Visiting and inspecting schools, and giving special certificates to teachers in new and remote townships, under the authority of this Act.

Additional  
remuneration  
to inspectors in  
new districts.

**108.** Any inspector, or other duly qualified person, appointed to inspect schools in new and remote townships, and to advise and encourage the settlers to establish schools for their children, under the regulations and with the aid provided by law, or to report on any school matter, shall be entitled to such additional or other remuneration out of any moneys appropriated by the Legislature for that purpose, as may be deemed just and equitable, considering the nature and extent of the duties to be performed.

Inspector not  
to hold other  
offices.

**109.** No inspector of schools hereafter appointed shall, during his tenure of office, engage in or hold any other employment, office, or calling which would interfere with the full discharge of his duties as inspector as required by law.

Inspectors to  
swear wit-  
nesses in cer-  
tain cases.

**110.** In cases where an inspector requires the testimony of witnesses to the truth of any facts alleged in any complaint or appeal made to him, it shall be lawful for such inspector to administer an oath to such witnesses, or to require their solemn affirmation, before receiving their testimony.

Warden may  
supply vacan-  
cies in the  
office of In-  
spector.

**111.** In the event of any county inspector resigning his office, the warden of the county within which such inspector held office, may appoint, from the list of those legally qualified, a fit and proper person to the office vacated, until the next ensuing meeting of the county council.

### 3. DUTIES OF COUNTY INSPECTORS.

Duties of  
County School  
Inspectors.

**112.** It shall be the duty of every public school inspector in a county, and he is hereby empowered :—

#### (1.) *Oversight of Schools—Apportionment of Moneys.*

(1) To have the oversight of all public schools in the townships and villages within the county or union of counties, or part of the county or union of counties for which he shall be appointed.

Jurisdiction,  
obligations, &c.

(a) To have all the powers in every municipality within his jurisdiction, and be subject to all the obligations which are conferred or imposed upon Inspectors by this Act, according to such instructions as may be given to him, from time to time, by the Chief Superintendent of Education.



2. To distribute, unless otherwise instructed by the Chief Superintendent of Education, among all of the school sections and divisions under his jurisdiction, their respective portions of the public school fund apportioned to or raised by county rate within the townships under his charge, according to the ratio of the average attendance of pupils at each public school (the mean attendance of pupils for each half year being taken) as compared with the whole average number of pupils attending the public schools of every such township;

To apportion School Fund according to average attendance.

3. To apportion the school fund, but not give a cheque for any portion of it, to any school section which has not been conducted according to law and the regulations provided under its authority, or whose trustees have neglected to transmit to him their return of average attendance for the last preceding half-year;

To apportion, but not pay\* unless trustees make half-yearly return.

(2.) *Cheque to Teachers—Superannuation Money.*

4. To give to any qualified teacher, assistant, or monitor (but to none others), on the order of the trustees of any school section, a cheque upon the county treasurer or sub-treasurer, for any sum of money apportioned and due to the section, after deducting the teachers' superannuation moneys payable by the male teacher of the section, as provided in the next succeeding clause of this section;

Give cheques to none but qualified teachers.

5. To deduct two dollars semi-annually for the superannuated teachers' fund, from each half-yearly payment made by him on behalf of any male teacher holding a certificate of qualification within his jurisdiction, and transmit the same to the Education Department;

Deduct half-yearly payments.

(a) Every treasurer of school moneys is required to pay to the order of the inspector, at the end of every half-year, any male teacher's superannuation moneys in his hands;

Teachers' superannuation moneys.

6. To give no cheque upon any trustees' order, except in the case of a new school section, unless a satisfactory annual school report for the year ending on the last day of December preceding has been received from the trustees; nor unless it appear by such report that a school has been kept by a qualified teacher in such section for at least six months during the year ending at the date of such report;

Condition of giving orders to teachers.

(3.) *Visitation and Inspection of Schools—Lectures.*

7. To visit every public school within his jurisdiction twice in a year, unless oftener required to do so by the county council which appointed him, or for the adjustment of disputes or otherwise;

Make two visits a year to each school.

(a) One of such half-yearly visits shall be made between the first of April and the first of October, and the other between the first of October and the first of April;

8. To examine at every half-yearly visit, into the state and condition of the school, as respects the progress of the pupils in learning;

Examine the state of the school.

learning; the order and discipline observed; the system of instruction pursued; the mode of keeping the school registers; the average attendance of pupils; the character and condition of the building and premises; and to give such advice as he may judge proper;

Deliver annual  
lecture in each  
section.

9. To deliver from time to time, under regulations prescribed by the Chief Superintendent, a public lecture or lectures in his county or division, on some subject connected with the objects, principles, and means of practical education;

Other duties.

(a) He shall also do all in his power to persuade and animate parents, guardians, trustees and teachers, to improve the character and efficiency of the public schools, and to secure the sound education of the young generally.

(4.) *Management of Schools—Meetings of Examiners, Reeves, etc.*

See to observ-  
ance of lawful  
regulations.

10. To see that all the schools are managed and conducted according to law;

(a) To prevent the use of unauthorized, and to recommend the use of authorized, books in each school;

(b) To acquire and give information as to the manner in which such authorized books can be obtained, and the economy and advantage of using them.

11. To apply, from time to time to the county council for suitable rooms or other accommodation for holding the examination of public school teachers in such county;

Attend certain  
meetings.

(a) To attend and take part in the meetings of the Board of Examiners of public school teachers, as required by this Act;

(b) Also, in the meetings of the Board of Examiners for the admission of pupils to any high school in a township or village;

(c) Also, in the meetings for arbitrations appointed under the authority of this Act;

12. To meet and confer with the Chief Superintendent of Education at such time and place as he may appoint when making official visits to the county;

13. To call and attend the meetings authorized to be held by this Act, for the formation or alteration of the boundaries of union school sections or divisions, and for the annual equalization of their assessments;

Aid in form-  
ing Union  
Sections.

14. To give the notice to the township clerk and to the school trustees in regard to the formation or any alteration in the boundaries of union school sections or divisions, as required by this Act;

(5.) *Settlement of Complaints and Differences.*

Mode of pro-  
ceeding in  
contested elec-  
tions in school  
sections.

15. To receive, investigate and decide upon any complaint:

(a) In regard to the election of school trustees, made to him within twenty days after holding any public school meeting for the election of a trustee or trustees in any rural section, within the limits of his charge, or respecting the mode of conducting such election;

(b)

(b) In regard to the proceedings at any rural school meeting;

(c) According to the best of his judgment to confirm or set such proceeding or election aside, and appoint the time and place for a new election;

(d) No complaint in regard to any election or proceeding at a school meeting shall be entertained by any Inspector unless <sup>Complaint</sup> made to him in writing within twenty days after the holding of <sup>within twenty</sup> the election or meeting; <sup>days.</sup>

16. To appoint, in his discretion, the time and place for a special school section meeting, at any time, for any lawful purpose; <sup>Call meetings.</sup>

17. To decide upon any difference of opinion between the auditors of the school accounts of any school section which <sup>To decide dis-</sup> may be referred to him. <sup>putes.</sup>

18. To decide upon any questions submitted to him which arise between interested parties under the operation of this Act;

(a) If he deems it advisable, the Inspector may refer any <sup>Appeal.</sup> such question for settlement to the Chief Superintendent of Education;

(6.) *Election Lists—Duty of Inspectors.*

19. To prepare and exhibit publicly in his office, for the purpose of the election of a member to the Council of Public Instruction, not later than the fifteenth day of June, of the years one thousand eight hundred and seventy-four, and one thousand eight hundred and seventy-six, and not later than the fifteenth day of June of every subsequent second year thereafter, an alphabetical list of the names and post-office addresses of all legally qualified teachers in the public and separate schools within his municipality or jurisdiction, who may be entitled to vote at such elections; <sup>Inspector to prepare election lists,</sup>

(a) This list may be examined by any teacher of a public or separate school at all reasonable times for one month from such <sup>Open to inspection.</sup> fifteenth day of June;

(b) In case any interested party complains to the said Inspector in writing of the improper omission or insertion of any name in the said list, it shall be the duty of the Inspector forthwith to examine into the complaint, and rectify the error, if any there be; <sup>Errors.</sup>

20. To transmit to the Chief Superintendent of Education, <sup>Transmit lists to Chief Superintendent,</sup> not later than the fifteenth day of July in each of the aforesaid years, a duly certified copy of such corrected alphabetical list of legally qualified teachers (in a form to be provided for that purpose);

(a) All the persons named in the list shall be deemed entitled to vote;

21. To furnish to the Chief Superintendent, (in case an election to fill a vacancy is required to be made by the masters and teachers of the Public and Separate Schools) a new alphabetical list of voters, two weeks before the time fixed for such election, otherwise the list then last received by the Chief Superintendent shall be used; <sup>Lists in case of vacancies.</sup>



(6.) *Suspending and giving Teachers' Certificates.*

May suspend  
Teacher's  
Certificate.

22. To suspend the certificate of qualification of any class or grade of any master or teacher, for any cause which may appear to him to require it;

(a) The suspension of a provincial certificate, issued by the Chief Superintendent or Council of Public Instruction, shall continue until the case be reported to and decided by the Chief Superintendent;

(b) Any other certificates suspended by the Inspector shall remain so until the next ensuing meeting of the County Board of Examiners of public school teachers, of which meeting due notice shall be given to the teacher whose certificate is suspended;

(c) The suspension or cancelling of a teacher's certificate of qualification shall release the school trustees who employed the teacher from any obligation to continue him in their employment;

Report to  
Chief Super-  
intendent.

23. To report forthwith to the Chief Superintendent the suspension by him of a teacher's provincial certificate of qualification, issued by the Chief Superintendent or Council of Public Instruction;

(a) The Inspector shall notify in writing, the teacher whose certificate he has suspended of the reasons of such suspension;

(b) The Chief Superintendent shall finally decide the case;

May give  
temporary  
certificates  
to teachers

24. To give any candidate, on due examination, according to the programme authorized for the examination of teachers, a certificate of qualification to teach a school within the limits of the charge of such Inspector until (but no longer than) the next ensuing meeting of the Board of Examiners of which such School Inspector is a member;

(a) No such certificate shall be given a second time, or be valid, if given a second time, to the same person in the same county;

To endorse  
third-class  
certificates.

25. To endorse as valid within the county, riding or division in which he is inspector, any third class certificate issued by any county or city board of examiners, under such general regulations as may from time to time be prescribed under this Act;

Certificates to  
teachers in  
new districts.

26. To examine and give, under such general regulations or instructions as aforesaid, special certificates from time to time, to teachers in new and remote townships in the county, riding or division in which he is inspector;

(a) Such certificates shall be valid in such townships for the periods mentioned in the regulations;

Monitors and  
assistants in  
public schools.

27. To examine and give, at his discretion, a special certificate to be valid for one year, to a senior pupil (or pupils) of a Public School or other person, to act as monitor or assistant, or monitors or assistants, in such Public School, under general regulations and instructions framed by the Council of Public Instruction for that purpose;

Proviso.

(a) The inspector shall not grant such certificate without being fully satisfied that the pupil or person is qualified to teach the subjects for which he has been or may be employed.

(7.) *Miscellaneous—Guided by Instructions—Annual Report.*

28. To perform any duties required of him by this Act, in regard to the formation, alteration and assessment rolls of school sections in the unorganized townships; Schools in unorganized townships,

29. To apply, at his discretion to the township council to alter the boundaries of any school section or school sections within his jurisdiction; Apply to council to alter sections,

30. To direct trustees at his discretion, as to the deposit with the county treasurer or other investment of the compensation awarded for school sites under the thirty-eighth section of this Act; School site compensation,

31. To decide any dispute which may arise as to the comparative distance of the homes of non-resident pupils from the school of their section, and from the school of an adjoining section or division; Distance of non-resident pupils from school,

32. To act jointly with two other persons as valuator of school section sites, school-houses and other school property in a township, as may be directed by a Township Council, and to report with them the result to the Council; Act as valuator,

33. To recommend to the County Council such special or additional aid as he may deem advisable to be given to new or needy school sections in the county; Aid to poor schools.

34. To give orders on the county treasurer or sub-treasurer, or on the treasurer of the school trustees or village corporation, for any moneys in his hands, deducted by such inspector, or otherwise payable by male teachers under his jurisdiction into the Superannuated Teachers' Fund; Superannuation money.

35. To act in accordance with the regulations provided for his guidance, and the instructions given to him from time to time by the Chief Superintendent; Observing regulations—Giving information to the Chief Superintendent and county auditors.

36. To give any information in his power when desired to the Chief Superintendent of Education respecting any public school matter within his jurisdiction;

37. To furnish the county auditors, when required, with the trustees' orders as the authority for his cheques upon the county or sub-treasurer for school moneys;

38. To deliver over to his successor, on retiring from office, copies of his official correspondence, and all school papers in his custody, on the order of the county council; Hand over papers on retiring from office.

39. To prepare and transmit to the Chief Superintendent of Education, on or before the first day of March, an annual report, which shall be in the form provided by the said Chief Superintendent, and which shall state— Transmit annual report to the Chief Superintendent.

(a) The whole number of schools and school sections, or parts of sections in each township within his jurisdiction;

(b) The number of pupils over the age of five and under the age of sixteen taught in each school; the number between the ages of sixteen and twenty-one years; the whole number of children residing in each section, or part of a section, over the age of five and under the age of sixteen years;

Contents.

(c) The length of time a school has been kept by a qualified teacher in each of such sections or parts of sections; the branches taught; the number of pupils in each branch; the books used; and the average attendance of pupils, both male and female, in each half-year;

(d) The amount of moneys received and collected in each section or part of a section—distinguishing the amount apportioned by the Chief Superintendent of Education; the amount received from county assessment; the amount raised by trustees; and the amount from any other and what sources; also how such moneys have been expended, or whether any part remains unexpended, and from what causes; and the annual salary of teachers, male and female, with and without board;

(e) The number of school visits made by himself and others during the year; the number of school lectures delivered; the whole number of school-houses, their sizes, description, furniture and appendages; the number rented; the number erected during the year; of what description; and by what means;

(f) The number of qualified teachers; their standing, sex and religious persuasions; the number, so far as he can ascertain, of private schools; the number of pupils and subjects taught therein; the number of libraries, their extent, and how established and supported; also, any other information which he may possess respecting the educational state, wants and advantages in each township of his charge, and any suggestions which he thinks proper to make with a view to the improvement of schools and diffusion of useful knowledge.

#### (8.) *Apportionment to Union School Sections.*

How union sections shall be paid.

**113.** The School Inspectors of adjoining townships shall determine the sums to be paid from the public school fund of each township in support of the schools of union school sections consisting of portions of the townships;

(a) They shall also determine the manner in which such sums shall be paid;

(b) In the event of one person being inspector of the townships concerned, he shall act in behalf of all the townships;

Warden to decide in case of dispute.

(c) In the event of the School Inspectors thus concerned not being able to agree as to the sum to be paid to each of the townships, the matter shall be referred to the warden of the county for final decision.

#### DUTIES OF CITY AND TOWN INSPECTORS OF SCHOOLS.

- (1.) *Oversight and Examination of Schools.*
- (2.) *Lectures—Management of Schools—Text Books.*
- (3.) *Meetings of Examiners—Teachers' Certificates.*
- (4.) *Miscellaneous Duties.*

**114.** It shall be the duty of every Public School Inspector in a city or town, and he is hereby empowered:—

(1.)



(1.) *Oversight and Examination of Schools.*

1. To have the oversight of all the public schools in the municipality for which he shall be appointed ;

2. To have all the powers and be subject to all the obligations conferred and imposed upon Inspectors by this Act, according to such instructions as may from time to time be given to him, by the Chief Superintendent of Education ;

3. To visit every public school within his jurisdiction, from time to time, and as often as may be required of him by the public school board ;

Make two visits a year to each school.

4. To examine, at his visits of inspection, into the state and condition of every school, as respects the progress of the pupils in learning ; the order and discipline observed ; the system of instruction pursued ; the mode of keeping the school registers ; the average attendance of pupils ; the character and condition of the building and premises ;

Examine the state of the school.

5. To give such advice to the teachers, the pupils and officers of the school as he may judge proper ;

(2.) *Lectures—Management of Schools—Text Books.*

6. To deliver from time to time, as may be prescribed, a public lecture on some subject connected with the objects, principles, and means of practical education ;

Deliver annual lecture in each section.

7. To do all in his power to persuade and animate parents, guardians, trustees and teachers, to improve the character and efficiency of the public schools, and to secure the sound education of the young generally ;

8. To see that all the schools are managed and conducted according to law ;

See to observance of lawful regulations.

9. To prevent the use of unauthorized, and to recommend the use of authorized, books in every school ; and to require and give information as to the manner in which such authorized books can be obtained, and the economy and advantage of using them ;

(3.) *Meetings of Examiners—Teachers' Certificates.*

10. To attend the meetings of the Board of High School Examiners and to perform the duties required of him in the examination of pupils for admission to the high school or collegiate institute ;

Attend certain meetings.

(a) If a city inspector of schools to attend the meetings of the City Board of Examiners, and perform the duties required of him in the examination of public school teachers ;

(b) The City Inspector shall apply to the Public School Board for suitable rooms or other accommodation in which to hold the examination of Public School Teachers ;

11. To meet and confer with the Chief Superintendent of Education at such time and place as he may appoint when making official visits to the county ;

Confer with Chief.

Give cheques  
to none but  
qualified  
teachers.

Deduct Super-  
annuation  
moneys.

May suspend  
teacher's  
certificate.

Report sus-  
pension

May give  
temporary  
certificates  
to teachers.

Endorse third  
class certi-  
ficates.

Monitors and  
assistants in  
Public Schools

12. To give, in conjunction with the Public School Board, to any qualified teacher, assistant or monitor, but to none others, an order upon the treasurer for any salary due to such teacher ;

13. To deduct two dollars from the amount payable every half-year to any male teacher employed by the Board, as such teacher's contribution to the superannuated teachers' fund ;

(a) The School Treasurer is required to pay over such superannuated money to the order of the Inspector, at the end of every half year ;

14. To suspend the certificate of qualification of any class or grade, of any master or teacher, for any cause which may appear to him to require it ;

(a) The suspension of a Provincial certificate issued by the Chief Superintendent or Council of Public Instruction, shall continue until the case be referred to and decided by the Chief Superintendent ;

(b) Other certificates suspended by the inspector shall remain so suspended until the next ensuing meeting of the City or County Board of Examiners, of which meeting due notice shall be given by the Inspector to the teacher whose certificate of qualification has been suspended ;

(c) The cancelling or suspension of a teacher's certificate of qualification shall release the school trustees who employed the teacher from any obligation to continue him in their employment ;

15. To report forthwith to the Chief Superintendent the suspension by him of a teacher's certificate, issued by the Chief Superintendent or Council of Public Instruction, notifying in writing, the teacher, whose certificate is suspended, of the reasons of the suspension ;

(a) The Chief Superintendent shall finally decide the case ;

16. To give any candidate, on due examination, according to the programme authorized for the examination of teachers, a certificate of qualification to teach a school within the limits of the charge of the Inspector until (but no longer than) the next ensuing meeting of the Board of Examiners of the city or county ;

(a) No such certificate shall be given a second time, or be valid if given a second time, to the same person in the same municipality ;

17. To endorse, under general regulations prescribed or instructions given under this Act, as valid within the city or town, any third class certificate issued by any city or county board of examiners ;

18. To examine and give, under general regulations and instructions framed by the Council of Public Instruction for that purpose, a special certificate, to be valid for one year, to a senior pupil, or pupils, of a Public School, or other person to act as monitor or assistant, or monitors or assistants in such Public School ;

(a) The inspector shall not grant such certificate without being fully satisfied that the pupil or person is qualified to teach the subjects for which he has been or may be employed ;

19. To give an order, half yearly on the treasurer or secretary-treasurer, for any moneys in his hands, deducted by him or otherwise payable by male teachers employed by the board, to the Superannuated Teachers' Fund ;

Order for Superannuation money.

(20.) To decide, in case of dispute, as to the comparative distance of non-resident children from their home to the school of their section, or to the school of the city, town or division ;

Distance of non-residents from school.

#### 4. *Miscellaneous Duties.—Election Lists—Duty of Inspectors.*

21. To prepare and exhibit publicly in his office, for the purpose of the election of a member to the Council of Public Instruction, and not later than the fifteenth day of June, of the years one thousand eight hundred and seventy four, and one thousand eight hundred and seventy-six, and not later than the fifteenth day of June of every subsequent second year thereafter alphabetical lists of the names and post office address of all legally qualified teachers in the public and separate schools within his municipality or jurisdiction, who may be entitled to vote at such elections ;

Inspector to prepare election lists.

(a) This list may be examined by any teacher of a public or separate school at any reasonable times for one month from such fifteenth day of June ;

Open to inspection.

(b) In case any interested party complains to the said Inspector in writing of the improper omission or insertion of any name in the said list, it shall be the duty of the Inspector, forthwith to examine into the complaint, and rectify the error, if any there be ;

Errors.

22. To transmit to the Chief Superintendent of Education, not later than the fifteenth day of July in each of the aforesaid years, a duly certified copy of such corrected alphabetical list of legally qualified teachers (in a form to be provided for that purpose) ;

Transmit lists to Chief Superintendent.

(a) All the persons named in the list shall be deemed entitled to vote ;

23. To furnish to the Chief Superintendent, (in case an election to fill a vacancy is required to be made by the masters and teachers of the public and separate schools) a new alphabetical list of voters, two weeks before the time fixed for such election, otherwise the list then last received by the Chief Superintendent shall be used ;

Lists in case of vacancies.

24. To act in accordance with the regulations and instructions provided by the Chief Superintendent for his guidance ;

Observing regulations—Giving information to

25. To give any information in his power, when desired, to the Chief Superintendent of Education respecting any public school matter within his jurisdiction ;

the Chief Superintendent and county auditors.

26. To deliver over to his successor, on retiring from office, copies of his official correspondence, and all school papers in his custody, on the order of the Public School Board ;

Hand over papers on retiring from office.

27. To prepare and transmit to the Chief Superintendent of Education, on or before the first day of March, an annual report, in the form prescribed by the said Chief Superintendent ;

Transmit annual report to the Chief Superintendent.

28.



Decide ques-  
tions.

28. To decide upon any questions submitted to him which may arise between interested parties under the operation of this Act; or

(a) If he deem it advisable, the inspector may refer any such question to the Chief Superintendent.

Perform other  
duties.

29. To perform such other duties as may be required of him by the Public School Board, or the Chief Superintendent of Education.

## PART VIII.—COUNTY AND CITY BOARDS OF EXAMINERS.

### 1.—APPOINTMENT—MEMBERS—QUORUM—REMUNERATION.

#### 2. DUTIES OF THE BOARD—CERTIFICATES.

(1.) *To grant Certificates.*

(2.) *Certificates only granted to Natural Born or Naturalized subjects of Her Majesty.*

(3.) *Under whose authority Certificates shall issue.*

(4.) *Certificates to Students of any Normal School in the British Dominions.*

(5.) *Certain old Certificates valid.*

County Board  
of Examiners  
constituted.—  
examination  
of Public  
School Teach-  
ers.

**115.** Every county council, and every city public school-board, shall appoint a county or city board of examiners, for the examination and licensing of teachers, in accordance with the regulations provided by law;

(a) The board shall consist of the county or city Inspector (*as the case may be,*) and two or more other competent persons, whose qualifications shall, from time to time, be prescribed by the Council of Public Instruction;

(b) In no such board shall the number of members exceed five;

(c) In all cases, the majority of the members appointed shall constitute a quorum for the transaction of business.

### *Public School Teachers' Examinations to be held Yearly.*

Only one  
examination  
of teachers to  
be held yearly.

**116.** Not more than one examination per annum shall be held in the several counties and cities for the granting of Public School Teachers' certificates; which examination shall be held some time during the month of July, as determined by the Council of Public Instruction;

Examination  
in each  
division.

(a) Where there are two Inspectors in any county, the county council may authorize and direct a separate examination to be held in each division of the county.

County Coun-  
cil to provide

**117.** It shall be the duty of every county council and city public school board:—

1. To provide, upon the application of the inspector, suitable rooms or other accommodation, for holding the examination of teachers in the county or city place for teachers' examinations.

2. To provide for the incidental expenses connected with the meeting and proceedings of the county or city Board of Examiners; County Council to defray Expenses.

(a) Every member of the board of examiners shall be entitled to the same allowance from the county council or city board for his time, travelling and other expenses, as a member of the county council receives, for time and attendance at the county council, and to such additional allowance as may be determined by such council or board; Additional allowance to examiners.

(b) The incidental expenses attending the meetings of such board, shall include the recompense to its members, the stationery, room, fuel, light, printing of notices, examination papers, and certificates, and such remuneration to the secretary of such board, as the board may deem just and expedient. Contingencies.

## 2. DUTIES OF THE BOARD.

**118.** It shall be the duty of every county and city board of examiners:—

### (1.) *To grant Certificates.*

1. To examine and give certificates of qualification to candidates as teachers of public schools, according to their attainments and abilities, as prescribed in the authorized programme of examination and instructions under this Act; To examine Teachers and give certificates.

(a) Every certificate of qualification, issued by any board of examiners, shall have the signature of at least one inspector of schools; Signature to certificates.

2. To dispose of any case of suspension by an inspector of any county or city board certificate in such manner as a majority of the members present may think proper. To decide upon any case of suspension of County Board certificates by the Inspector.

### (2.) *Certificates only granted to Natural Born or Naturalized Subjects of Her Majesty.*

**119.** No certificate shall be given to any person as a teacher, who does not furnish satisfactory proof of good moral character, or, who, at the time of applying for the certificate, is not a natural born or naturalized subject of Her Majesty, or who does not produce a certificate of having taken the oath of allegiance to Her Majesty, before a Justice of the Peace for the municipality in which such person resides. Teachers to be moral, and to be subjects of Her Majesty.

### (3.) *Under whose authority Certificates shall issue.*

**120.** First-class Provincial certificates of qualifications shall, on the report of the Central Committee of Examiners, be awarded to teachers by the Council of Public Instruction;

(b) Second class Provincial certificates may, upon the report of the Central Committee of Examiners, be awarded by the Council 1st and 2nd class provincial certificates

Council of Public Instruction, to candidates eligible for first-class certificates who may fail to come up to the required standard;

(c) First and second class Provincial certificates by the Chief Superintendent, on the report of the Central Committee of Examiners, as provided by this Act;

(d) Second and third class certificates shall be awarded to eligible candidates by county and city boards of examiners;

(e) First and second class Provincial certificates only, given under the authority of this Act, shall be permanent during the good behaviour of the holders, and valid in all the municipalities of the Province.

(4.) *Certificates to Students of any Normal School in the British Dominions.*

Certificates to students of any Normal School in British Dominions.

**121.** Upon passing the requisite examination, special certificates may be issued by the Chief Superintendent of Education, (under the prescribed regulations) to any person who has been trained at any Normal School or other Training Institution for Teachers, or who has been duly certificated or licensed by any recognized body as a school teacher in any part of the British Dominions;

Nature of qualifications

(a) Such certificates shall specify, among other qualifications, the standing of such person at the Normal School, or other Training Institution, and the extent of his ability and aptitude to teach, as evidenced by his certificates or testimonials from such Normal School, or other body, to the satisfaction of the Chief Superintendent of Education.

(5.) *Certain Old Certificates Valid.*

Former certificates continued.

**122.** All certificates of qualification of teachers granted before the fifteenth day of February, in the year one thousand eight hundred and seventy-one, shall remain in force in their respective municipalities on the terms and conditions of the Act under which they were granted; and upon their ceasing to be valid, as provided by law, other than by the confirmation of their suspension, they may be renewed from time to time under the regulations and programmes prepared under the authority of this Act.

**123.** Every public school teacher's first-class certificate issued under the School Laws of this Province, by a County Board before the fifteenth day of February, one thousand eight hundred and seventy-one, and now legally valid (not having been recalled, suspended, or cancelled according to law), in any city or county, shall remain valid in such county or city during the good behaviour of the holder.

(a) Every public school second-class teacher's certificate issued before such time, and under like authority, and now legally valid, as aforesaid, shall, (when such teacher shall have taught for a period of not less than ten years in Ontario), continue to be valid during good behaviour in such county or city.

PART



## PART IX.—SCHOOL VISITORS AND THEIR DUTIES.

**124.** All clergymen recognized by law, of whatever denomination, all Judges, Members of the Legislature, Members of County Councils, and Aldermen, shall be school visitors in the townships, cities, towns, and villages where they respectively reside:

Public School  
Visitors  
defined.

(a) Persons holding the commission of the peace for the county only, shall not be school visitors within towns and cities;

(b) Every clergyman shall be a school visitor only in the township, town, or city where he has pastoral charge.

**125.** Each of the school visitors may visit the public school in the township, city, town, or village;

Their author-  
ity to visit the  
Public Schools

(a) They may attend the quarterly examination of schools, and, at the times of any such visit, may examine the progress of the pupils, and the state and management of the school, and give such advice to the teacher and pupils, and any others present, as he thinks advisable, in accordance with the regulations and instructions provided in regard to school visitors.

**126.** A general meeting of the visitors may be held at any time or place appointed by any two visitors, on sufficient notice being given to the other visitors in the township, city, town, or village;

General Meet-  
ing of School  
Visitors.

(a) The visitors thus assembled, may devise such means as they deem expedient for the efficient visitation of the schools, and for promoting the establishment of libraries and the diffusion of useful knowledge.

## PART X.—THE CHIEF SUPERINTENDENT OF EDUCATION, AND HIS DUTIES.

### 1. APPOINTMENT—SALARY—RESPONSIBILITY.

### 2. POWERS AND DUTIES OF CHIEF SUPERINTENDENT.

(1.) *Apportionment of School Grants.*

(2.) *Give Necessary Instructions—Decide Complaints and Appeals.*

(3.) *Normal School—School Architecture—Teachers' Institutes.*

(4.) *Council of Public Instruction—Report and Returns.*

### 3. APPEAL FROM DIVISION COURT DECISIONS.

### 4. SPECIAL CASES TO BE SUBMITTED TO SUPERIOR COURTS.

#### (1.) APPOINTMENT—SALARY—RESPONSIBILITY.

**127.** The Lieutenant-Governor may, from time to time, by Letters Patent under the Great Seal of the Province, appoint a fit and proper person to be Chief Superintendent of Education for Ontario, who shall hold the office during pleasure.

A Chief Super-  
intendent to be  
appointed.

His responsibility to the government.

**128.** The Chief Superintendent shall be responsible to the Lieutenant-Governor, and be subject to his direction, communicated through any department of the Provincial Government.

(2). POWERS AND DUTIES OF THE CHIEF SUPERINTENDENT.

Duties of the Chief Superintendent.

**129.** It shall be the duty of the Chief Superintendent of Education, and he is hereby empowered :—

*1. Apportionment of School Grants.*

Apportioning Legislative Grant.

1. To apportion annually, on or before the first day of May, all moneys granted or provided by the Legislature for the support of public schools in (and not otherwise appropriated by law) to the several counties, townships, cities, towns, and incorporated villages, according to the ratio of population in each, as compared with the whole population of Ontario ;

(a) When the census or returns upon which such an apportionment is to be made, are so far defective in respect of any county, township, city, town, or village, as to render it impracticable for the Chief Superintendent to ascertain therefrom the share of school moneys which ought to be so apportioned, he shall make the apportionment according to the ratio in which, by the best evidence in his power, the same can be most fairly and equitably made ;

Notice to the provincial treasurer and county clerks.

2. To certify to the Provincial Treasurer the apportionments made by him, so far as they relate to the several counties, cities, towns and incorporated villages ;

(a) To give immediate notice of the apportionment to the clerk of each county, city, town, and village interested therein, stating the time when the amount of moneys so apportioned will be payable to the treasurer of the county, city, town or village ;

Distribution by school inspectors.

3. To direct the county inspector, if he shall deem it expedient, as to the distribution of the public school fund of any township among the several school sections or parts of section, entitled to share in the same, according to the length of time in the year, during which a school has been kept open by a legally qualified teacher in each of such sections or parts of sections ;

Protecting school moneys. — Deciding complaints.

4. To see that all moneys apportioned by him are applied to the objects for which they are granted ; and for that purpose, and when not otherwise provided for by law, to decide upon all matters, disputes and complaints submitted to him, which involve the expenditure of any part of the school fund ;

5. To have authority to decide upon all other disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any inspector or other school officer ;

Application of balances of the school fund.

6. To direct the application of the balances of the school fund apportioned for any year, which may be forfeited according to the provisions of this Act, towards making up the salaries

of

of teachers in the county to which the same has been apportioned ;

7. To deduct (should the municipal corporation of any county, city, town or village, raise in any one year, a less sum than that apportioned to it, out of the Legislative school grant, a sum equal to the deficiency), from the apportionment to such county, city, town or village, in the following year.

Short Municipal assessments.

(2.) *Give necessary Instructions—Decide Complaints and Appeals.*

8. To prepare suitable forms, and to give such instructions as he may judge necessary and proper, for making all reports, and conducting all proceedings under this Act ;

Preparing forms and regulations.

9. To cause the forms and instructions, together with such general regulations as may be approved of by the Council of Public Instruction for the better organization and government of public schools, to be transmitted to each trustee, corporation and inspector required to execute the provisions of this Act ;

10. To cause to be printed, from time to time, in a convenient form, so many copies of this Act, with the necessary forms, instructions and regulations to be observed in executing its provisions, as he may deem sufficient for the information of each trustee, corporation and inspector of public schools, and to cause the same to be distributed for that purpose ;

Distributing Act and forms.

11. To equitably decide, subject to an appeal to the Lieutenant-Governor, whose award shall be final, upon any case of dispute or disagreement between trustees of Roman Catholic separate schools and inspectors of public schools, or other municipal authorities, which may be referred to his equitable arbitrament ;

Disagreement between Roman Catholic school trustees and officials.

(3.) *Appoint Deputy—Conductors of Teachers' Institute—Plans of School Houses—Library—Text-Books.*

12. To appoint :

(a) One of the clerks in the Education Department to be his deputy to perform the duties of his office in his absence ;

Appointing a deputy and special inspectors.

(b) One or more persons, as he, from time to time deems necessary, to inspect any school or schools, or to inquire into and report to him upon any school matter : Such Inspector, or other person or persons, shall be entitled to such remuneration out of any moneys appropriated by the Legislature for that purpose, as may be deemed just and equitable, considering the nature and extent of the duties to be performed ;

Remuneration.

13. To appoint proper persons to conduct county teachers institutes : and to furnish such rules and instructions as he may judge advisable in regard to the proceedings of such institutes, and the best means of promoting and elevating the profession of school teaching and increasing its usefulness ;

Appoint conductors of teachers' institutes.

14. To provide and recommend the adoption of suitable plans of school-houses, with the proper furniture and appendages ; and to dis-

To provide plans for school houses, and to dis-



seminate useful information.

Establishing school libraries.

Apportioning library grant.

Condition.

Text Books.

dages; and to collect and diffuse among the people of Ontario useful information on the subject of education generally;

15. To employ all lawful means in his power to procure and promote the establishment of school libraries for general reading, in the several counties, townships, cities, towns and villages;

16. To apportion the moneys provided by the Legislature for the establishment and support of School Libraries and prizes, and in providing the Schools with maps and apparatus;

(a) No aid shall be given towards the establishment or support of any school library, and in providing prizes, maps and apparatus, unless an equal amount be contributed and expended from local sources for the same object;

17. To use his best endeavours to provide for and recommend the use of uniform and approved text-books in the schools generally;

#### 4.) *Council of Public Instruction—Additional Catalogue—Report and Returns.*

To prepare general regulations, and to submit books, manuscripts, and general regulations to the Council of Public Instruction.

Chief Superintendent to issue catalogues.

Additional catalogue.

Education Department to pay one-half of the cost of library and prize books by municipal and school corporations.

18. To prepare and lay before the Council of Public Instruction, for its consideration, such general regulations for the organization and government of schools, and the management of school libraries, as he may deem necessary and proper;

19. To submit to the Council of Public Instruction all books or manuscripts which are placed in his hands, with the view of obtaining the recommendation or sanction of the Council for their introduction as text, library or prize books;

20. To cause to be printed from time to time a catalogue, showing the names and prices of all the books which are or may be sanctioned by the Council of Public Instruction for libraries and for prizes in the schools;

21. To cause to be printed each half year a catalogue of any additional books which may be sanctioned by the Council for said purposes;

22. To authorize the payment out of any moneys appropriated by the Legislature for that purpose, of one-half of the cost of any prize or library book sanctioned by the Council of Public Instruction, for Public and High Schools and Collegiate Institutes, which may be purchased by a Municipal or School Corporation from any bookseller or other parties, instead of at the Depository of the Education Department; such payment shall be made to the order of the Corporation purchasing the books at the prices therein specified, on the following conditions:—

(a) The Chief Superintendent shall be duly certified of the facts;

Conditions.

(b) He shall be furnished with the usual guarantee as to the proper disposition of the books, which may be purchased elsewhere than at the Depository;

(c) He shall be furnished with certified vouchers of the cost, edition and binding of the books so purchased elsewhere;

(d)

(d) He shall not pay more than one-half of the cost of the books so purchased elsewhere, according to the prices specified for them in the printed catalogues, or in the authorized lists published in the *Journal of Education*;

23. To refer, at his discretion to the Council of Public Instruction for its inquiry into, and report upon, any matter connected with the administration of the School System, or with the interests of schools; Matter referred to Council.

24. To lay before the Legislature at each sitting thereof, a correct and full account of the disposition and expenditure of all moneys which come into his hands as Chief Superintendent; Account for moneys to Legislature.

25. To make annually to the Lieutenant-Governor, on or before the first day of July, a report of the actual state of the Normal, Model, High and Public Schools throughout Ontario, showing the amount of moneys expended in connection with each, and from what sources derived, with such statements and suggestions for improving the schools and the school laws, and promoting education generally, as he may deem useful and expedient. To report annually on schools.

### 3. CERTAIN GRANTS AUTHORIZED.

#### 1. *Through the Chief Superintendent of Education.*

130. Out of certain grants authorized from time to time in aid of schools, and not otherwise expressly appropriated by law, the Lieutenant-Governor in Council may authorize the expenditure annually of such sums as may from time to time be voted by the Legislature for the purposes following:— Certain grants authorized.

1. For the purchase, from time to time, of books, publications, specimens, models, and objects suitable for a Canadian library and museum, to be kept in the Normal School buildings at Toronto, and to consist of books, publications, and objects relating to education and other departments of science and literature, and specimens, models, and objects illustrating the physical resources and artificial productions of Canada, especially in reference to mineralogy, zoology, agriculture, and manufactures; Museum.

2. For supplying a copy of the *Journal of Education* to every School Corporation and every School Inspector; Journal of Education.

3. For the establishment and support of school libraries; Libraries.

4. For providing the schools with maps and apparatus and prizes upon the same terms, and in the same manner as books are provided for school libraries; Prizes, maps, and apparatus.

5. For the payment of assistant clerks, and a salesman of the public library, prize, map and school apparatus depositories, in connection with the Department of Public Instruction; Depository clerks.

6. For the encouragement of Teachers' Institutes; Teachers' Institutes.

7. For procuring plans and publications for the improvement of school architecture and practical science, in connection with schools; School architecture.

8. For special aid to public schools in new and poor townships; Poor Schools.

## 4. APPEAL FROM DIVISION COURT DECISIONS.

Uniformity of  
Decisions in  
Division  
Courts.

**131.** It being highly desirable that uniformity of decision should exist in cases within the cognizance of the Division Courts and tried in such courts, in which the school inspectors, trustees, teachers, and others acting under the provisions of this Act are parties, the Judge of any Division Court wherein any such action may be tried, may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Chief Superintendent of Education to appeal the case;

(a) After notice of appeal has been served as hereinafter provided, no further proceeding shall be had in such case until the matter of appeal has been decided by a Superior Court.

Chief/Superin-  
tendent may  
appeal from  
such Court to  
the Superior  
Courts of Law.

**132.** The Chief Superintendent may, within one month after the rendering of judgment in any such case, appeal from the decision of the Division Court Judge to either of the Superior Courts of Law at Toronto, by serving notice in writing of such appeal upon the clerk of the Division Court appealed from, which appeal shall be entitled "The Chief Superintendent of Education for Ontario, Appellant, in the matter between (A. B. and C. D.)"

Judge, to send  
Papers to Su-  
perior Court,  
and Chief  
Superintend-  
ent.

**133.** The Judge, whose decision is thus appealed from, shall thereupon certify under his hand, to the Superior Court appealed to, the summons and statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto;

(a) On the Judge receiving an intimation of appeal from his decision (under the authority of this Act,) he shall thereupon certify under his hand, to the Chief Superintendent of Education, the statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto.

Superior Court  
to give such  
Order as Law  
and Equity  
require.

**134.** The matter shall be set down for argument at the next term of the Superior Court;

(a) Such Court shall give such order or direction to the Court below, touching the judgment to be given in the matter, as law and equity require;

(b) The Court shall also in its discretion award costs against the appellant, which costs shall be certified to and form part of the judgment of the Court below.

Proceedings  
in Division  
Court thereon.

**135.** Upon receipt of such order, direction, and certificate, the Judge of the Division Court shall forthwith proceed in accordance therewith.

Costs of  
Appeal

**136.** All costs awarded against an appellant, and all costs incurred by him, shall be paid by the Chief Superintendent, and charged as contingent expenses of his office.



## 5. SPECIAL CASES TO BE SUBMITTED TO SUPERIOR COURTS.

**137.** It shall be competent for the Chief Superintendent of Education, should he deem it expedient, to submit a case on any question arising under the High or Public School Acts, to any Judge of either of the Superior Courts for his opinion and decision, or, with the consent of such Judge, to either of the Superior Courts for their opinion and decision

## 2. APPORTIONMENT PAYABLE ON FIRST OF JULY.

**138.** The sum of money annually apportioned by the Chief Superintendent of Education to every county, township, city, town, or village, in aid of public schools therein respectively, shall be payable by the Provincial Treasurer on or before the first day of July in every year, to the treasurer of every county, city, town, and village, in such way as the Lieutenant-Governor from time to time directs.

Grant payable on the first of July in each year.

## 3. PUBLIC SCHOOL FUND DEFINED.

**139.** The legislative school grant, together with, at least, an equal sum, raised annually by local assessment, shall constitute and be called the public school fund of the county, township, city, town or village;

Public School Fund defined.

(a) No part of the salaries of the Chief Superintendent, school inspectors, nor of any other persons (except teachers employed), or of any expenses incurred in the execution of this Act, shall be paid out of the said public school fund, but such fund shall wholly, and without diminution, be expended in the payment of teachers' salaries.

For teachers' salaries only.

## 4. CONDITION OF PAYING LEGISLATIVE GRANT.

**140.** No county, city, town or village shall be entitled to a share of the legislative school grant without raising by assessment a sum at least equal (clear of all charges for collection) to the share of the said school grant apportioned to it;

Conditions of receiving share of Grant.

(a) Should the municipal corporation of any county, city, town or village, raise in any one year a less sum than that apportioned to it out of the legislative school grant, the Chief Superintendent of Education shall deduct a sum equal to the deficiency, from the apportionment to such county, city, town or village, in the following year.

## PART XI.—GENERAL AND SPECIAL PROVISIONS.

## 1. PROVISIONS OF GENERAL APPLICATION.

- (1.) *Public Schools to be Free Schools.*
- (2.) *Religious Exercises—Protection of Pupils.*
- (3.) *School Officers shall not act as Book Agents.*
- (4.) *No Foreign Books to be used without permission.*
- (5.) *Admission of Non-resident Pupils.*
- (6.) *Non-Resident Children—Exception.*
- (7.) *Allowance to Arbitrators and Inspectors.*
- (8.) *Written Agreements between Trustees and Teachers.*
- (9.) *Holidays and Vacations in Public Schools.*

## 2. UNION OF PUBLIC AND HIGH SCHOOLS.

## 3. PROVISIONS RELATING TO MUNICIPAL COUNCILS.

- (1.) *Municipal Councils may Invest Educational Moneys.*
- (2.) *Municipal Loan Fund Moneys applied to School Houses.*
- (3.) *Township, Village, Town, or City Councils to pay Non-Resident Rates.*

## 4. RIGHT OF CHILDREN TO ATTEND SCHOOL.

## 1. PROVISIONS OF GENERAL APPLICATION.

(1.) *Public Schools to be Free Schools.*

Public schools  
to be free.—  
Fees in cities,  
&c., for text-  
books.

**141.** All public schools, shall be free schools ;

(a) The trustees of rural school sections, and the municipal councils of cities, towns, villages and townships, shall, in the manner provided by this Act, levy and collect the rate upon the taxable property of the school division (municipality or section, *as the case may be*), to defray the expenses of the schools, as determined by the trustees thereof ;

(b) Trustees in cities, towns and villages may collect from parents or guardians a sum not exceeding twenty cents per month per pupil, to defray the cost of text books, stationery, and other contingencies.

(2.) *Religious Exercises—Protection of Pupils.*

Pupils not to  
be required to  
observe reli-  
gious exercises  
objected to by  
their parents.

**142.** No person shall require any pupil in any public school to read or study in or from any religious book, or to join in any exercise of devotion or religion objected to by his or her parents or guardians ;

(a) Pupils shall be allowed to receive such religious instructions as their parents and guardians desire, according to any general regulations provided for the organization, government and discipline of public schools.

(3.)

(3.) *School Officers shall not act as Book Agents.*

**143.** No teacher, trustee, inspector or other person officially connected with the Education Department, the Normal, Model, Public or High Schools or Collegiate Institutes, shall become or act as agent for any person or persons to sell, or in any way to promote the sale for such person or persons, of any school, library, prize or text-book, map, chart, school apparatus, furniture or stationery, or to receive compensation or other remuneration or equivalent for such sale, or for the promotion of sale in any way whatsoever.

No inspector, trustee, teacher, etc., shall act as agent for the sale of books, maps, etc.

(4.) *No Foreign Books to be Used without permission.*

**144.** No person shall use any foreign books in the English branches of education, in any model or public school, without the express permission of the Council of Public Instruction ;

(a) No portion of the Legislative School Grant shall be applied in aid of any school in which any book is used that has been disapproved of by the Council of Public Instruction, and public notice given of such disapproval.

Foreign books not to be used without the permission of the Council of Public Instruction.

(5.) *Admission of Non-Resident Pupils.*

**145.** The trustees of every school section, municipality or division, shall have authority to admit non-resident pupils to their school, on payment, in advance, of fees or rate-bill not exceeding fifty cents a month per pupil ;

Non-resident pupils to be admitted on payment of fee.

(a) It shall be their duty to admit on the terms aforesaid, any non-resident pupils who reside nearer to such school than to the school in their own section ;

(b.) In case of dispute as to the distance from the school, the inspector shall decide.

(6.) *Non-Resident Children—Exception.*

**146.** Any person residing in one school section or division, and sending his child or children to the school of a neighbouring one, shall, nevertheless, be liable for the payment of all rates assessed on his taxable property for the school purposes of the section, or division, in which he resides, as if he sent his child or children to the school of such section or division ;

A resident in one section sending his children to another section.

(a) A non-resident child or children shall not be returned as attending any other than the school of the section, or division, in which the parents or guardians of the child or children reside ;

(b) This section shall not apply to persons sending children to or supporting separate schools ;

(c) Nor shall this section prevent any person who may be taxed for public school purposes on property situate in a different school section, or division, from that in which he resides, from sending his children to the school of the section, or division, in which

Exception as to separate schools and non-resident ratepayers.



which the property may be situate, on as favourable terms as if he resided in such section, or division.

(7.) *Allowance to Arbitrators and Inspectors.*

Special allowance to School Inspectors and Arbitrators.

**147.** Arbitrators appointed under the authority of this Act, and School Inspectors engaged in investigating and deciding upon school complaints and disputes, shall be entitled to the same remuneration per diem for the time thus employed as are members of the municipal council of their county for their time and attendance at council meetings;

(a) The parties concerned in such disputes shall pay all the expenses incurred in them, according to the award or decision of the arbitrators and school inspectors respectively.

(8.) *Written Agreements between Trustees and Teacher.*

Valid agreement with teacher.

**148.** All agreements between trustees and teachers, to be valid and binding, shall be in writing, signed by the parties thereto, and sealed with the corporate seal of the trustees;

(a) Such agreements may lawfully include any stipulation to provide the teacher with board and lodging;

(b) Such agreements shall be authorized, and all other acts of any school corporation to be valid and binding, shall be considered and adopted as provided in the twenty-fourth section of this Act.

(9.) *Holidays and Vacations in Public Schools.*

Public School Holidays and Vacations.

**149.** Every Saturday shall be a holiday in the public schools;

(a) The summer vacation in the schools shall be from the fifteenth day of July to the fifteenth day of August inclusive.

(10.) *School Lands granted before 1850 vested in Trustees.*

School lands granted before 1850 vested in public school trustees.

**150.** All lands which, previous to the twenty-fourth day of July, one thousand eight hundred and fifty, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes, and which are now held by such person or persons, or their heirs or other successors in the trust, are hereby vested in the public school trustees of the school section or division in which such lands are respectively situate, to be held by said public school trustees and their successors upon the like trusts, and subject to the same conditions and estates as the said lands are now respectively held.

2. UNION OF HIGH AND PUBLIC SCHOOLS.

Union of High and Public School Trustees.

**151.** In all cases of the union of High School (or Collegiate Institute) and Public School Trustee Corporations now existing, all the members of both Corporations shall constitute a joint

joint Board, and shall, as long as the union exists, be a Corporation, under the name of *The Board of Education for the* Name.  
*City (Town, or Incorporated Village of* , or School  
 Section, No. , in the Township of , as the  
 case may be);

(a) Seven of the members of the Board shall form a quorum; Power.  
 and such Board shall have the powers of the Trustees of both  
 the Public and High Schools;

(b) The Board may, at its discretion, supplement the pension  
 granted to any teacher by the Council of Public Instruction;

(c) The union may be dissolved at the end of any year by Union may be dissolved.  
 resolution of a majority present at any lawful meeting of the  
 said Board of Education called for that purpose;

(d) On the dissolution of such union, the school property Disposition of school property.  
 held or possessed by the Board of Education at the time, shall  
 be divided or applied to school purposes, as may be agreed  
 upon by a majority of the Public School Trustees and of the  
 High School (or Collegiate Institute) Trustees respectively,  
 present at meetings called for that purpose;

(e) If the Trustees fail so to agree within the space of six  
 months after such dissolution, then the division shall be made  
 by the Municipal Council of the city, town, or incorporated  
 village within the limits of which such Public and High Schools  
 (or Collegiate Institute) are situated;

(f) Should the High School be situated in a School Section By whom made.  
 or unincorporated village, the division (in case of failure to  
 agree as aforesaid) shall be made by the County Council;

(g) After the first day of July, one thousand eight hundred  
 and seventy-four, no Public School, or department thereof,  
 shall be united with a High School or Collegiate Institute.

### 3. PROVISIONS RELATING TO MUNICIPAL COUNCILS.

#### (1.) *Municipal Councils may Invest Educational Moneys.*

**152.** Any municipal corporation having surplus moneys de- Loan to board of school trustees by municipalities.  
 rived from the Upper Canada Municipalities Fund, or from  
 any other source, other than from any distribution of the Pro-  
 vincial surplus, may by by-law set such surplus apart for edu-  
 cational purposes, and invest the same, as well as any other  
 moneys held by such municipal corporation for, or by it law-  
 fully appropriated to, educational purposes, in public securities  
 of the Dominion, Municipal Debentures, or in first mortgages  
 on real estate, held and used for farming purposes, and being  
 the first lien on such real estate, and from time to time, as such  
 securities mature, may invest in other like securities, or in the  
 securities already authorized by law, as may be directed by  
 such by-law, or by other by-laws passed for that purpose:  
 Provided always, that any sum so invested shall not exceed  
 two-thirds of the value of the real estate on which it is secured,  
 according to the last revised and corrected assessment-roll at  
 the time it is so invested.

**153.** Any municipal corporation having surplus moneys set apart for educational purposes, may, by by-law, invest the same in a loan or loans to any board or boards of school trustees within the limits of the municipality, for such term or terms, and at such rate or rates of interest as may be agreed upon by and between the parties to such loan or loans respectively, and set forth in such by-law, or may by by-law grant any portion of such moneys or other general funds by way of gift to aid poor school sections within the municipality.

(2.) *Municipal Loan Fund Moneys applied to School-Houses.*

Municipal  
Loan Fund in  
aid of school-  
houses.

**154.** All moneys paid to any municipality, or to which it is entitled, under the Municipal Loan Fund Act (36 V., c. 47), shall be applied by the municipality in aid of building or improving schools, or shall be applied in or to the other purposes specified in said Act.

(3.) *Township, Village, Town or City Councils to pay Non-Resident Rates.*

Rates on land  
of non-resi-  
dents to be re-  
turned to the  
clerk of the  
municipality.

**155.** If the collector appointed by the trustees of any public school be unable to collect that portion of any school rate which has been charged on any parcel of land liable to assessment, by reason of there being no person resident thereon, or no goods and chattels to distrain, the trustees shall make a return to the clerk of the municipality, before the end of the then current year, of all such parcels of land, and the uncollected rates thereon;

(a) The clerk of such municipality shall make a return to the county, city, town or village treasurer of all such lands and the arrears of school rates thereon;

(b) Such arrears shall be collected and accounted for by such treasurer in the same manner as the arrears of other taxes;

(c) The township, village, town, or city council in which such public school is situate, shall make up the deficiency arising from uncollected rates on land liable to assessment, out of the general funds of the municipality.

#### 4. RIGHT OF CHILDREN TO ATTEND SCHOOL.

Right of chil-  
dren to be edu-  
cated—Com-  
pulsory atten-  
dance.

**156.** Every child, from the age of seven to twelve years inclusive, shall have the right to attend some school, or be otherwise educated, for four months in every year; and any parent or guardian who does not provide that every child between the ages aforesaid under his care shall attend some school, or be otherwise educated, as thus of right declared, shall be subject to the penalties hereinafter provided by this Act;

(a) Nothing herein shall be held to require any Roman Catholic to attend a public school, or to require a Protestant to attend a Roman Catholic school.



**157.** It shall be the duty of the trustees of every public school : Trustees to ascertain names of absentee children.

1. To ascertain before the thirty-first day of December in every year, through the assessor, collector, or some other person to be appointed for that purpose, and paid by them, the names, ages and residences of all the children of school age in their school section, division or municipality, as the case may be—distinguishing those children between the ages of seven and twelve years inclusive—who have not attended any school, (or who have not been otherwise educated) for four months of the year, as required by the next preceding section of this Act;

2. To notify personally, or by letter or otherwise, the parents Notify parents or guardians of such children of the neglect or violation on their part of the provisions of said preceding section.

**158.** In case, after having been so notified, the parents or guardians of such children continue to neglect or violate the provisions of the said section of the this Act, it shall be the duty of the trustees to impose a rate-bill on such parents or guardians not exceeding one dollar per month for each of their children not attending school, or to make complaint of such neglect or violation to a magistrate having jurisdiction in such cases, as provided by the next succeeding section of this Act, and to deliver to said Magistrate a statement of the names and residences of the parents or guardians of such children. Impose a rate-bill or make complaint to magistrate.

## PART XII.—VARIOUS PENAL CLAUSES.

### 1. COMPULSORY EDUCATION OF CHILDREN.

#### 2. PROVISIONS RELATING TO MUNICIPALITIES.

- (1.) *Personal Responsibility of Councillors or Trustees in Investing Moneys.*
- (2.) *Municipal Responsibility to Her Majesty.*
- (3.) *Treasurer and Sureties Responsible to the Municipality.*
- (4.) *Bond of Treasurer and Sureties to apply to School Moneys.*
- (5.) *Parties Aggrieved may Recover from Municipality.*
- (6.) *Township Clerk to provide School Map of Township.*
- (7.) *Trustees Not Liable for Acting under Municipal By-Laws.*

#### 3. PROVISIONS AFFECTING PUBLIC SCHOOL TRUSTEES AND OFFICERS.

- (1.) *Personal Responsibility of Trustees for Moneys Lost to the Section.*
- (2.) *Trustees to Exact Security from Secretary-Treasurer, etc.*
- (3.) *Remedy in case of Embezzlement and Loss.*
- (4.) *Secretary-Treasurer and Trustees to Account for Moneys, etc.*

(5.)

- (5.) *Person Chosen as Trustee Refusing to Serve.*
- (6.) *Trustees Refusal to Exercise Corporate Powers.*
- (7.) *Refusal to Account to Rural School Auditors.*
- (8.) *Neglect to Send Half-Yearly Returns to Inspector.*
- (9.) *Neglect to Send Annual Report to Inspector.*
- (10.) *Penalty for False Report and Registers.*
- (11.) *How to Deal with Refractory Pupils.*

#### 4. PUBLIC SCHOOL MEETINGS, THEIR OFFICERS AND ELECTORS.

- (1.) *Separate School Supporters Not to Vote at Public School Meetings.*
- (2.) *False Declaration of Right to Vote at School Meetings.*
- (3.) *Returning Officer at School Trustee Elections.*
- (4.) *Chairman to Send Report of School Meetings to Inspector.*
- (5.) *Failure of Trustee-Elect to make Declaration of Office.*
- (6.) *Neglect to give Notice of School Meetings.*
- (7.) *Disturbing a Public School or School Meeting.*

#### 5. HOW FINES AND PENALTIES MAY BE RECOVERED.

##### 1. COMPULSORY EDUCATION OF CHILDREN.

Penalty for non-attendance at some school.

**159.** It shall be competent for the police magistrate of any city or town, and for any magistrate in any village, township or town where there is no police magistrate, to investigate and decide upon any complaint made by the trustees, or any person authorized by them, against any parent or guardian for the violation of the next preceding sections of this Act, and to impose a fine not exceeding five dollars for the first wilful offence, and double that penalty for every subsequent offence; which fine and penalty shall be enforced as provided in the *one hundred and seventy-seventh*\* section of this Act;

(a) The police magistrate or justice shall not be bound to, but may, in his discretion, forego to issue the warrant for the imprisonment of the offender, as in said section is provided.

Further discretion of Magistrate to enforce penalty.

**160.** It shall be the duty of the police magistrate, or any magistrate, where there is no police magistrate, to ascertain, as far as may be, the circumstances of any party complained of for not sending his child or children to some school, or otherwise educating him or them, and whether the alleged violation has been wilful, or has been caused by extreme poverty, or ill health, or too great a distance from any school; and in any of the latter cases, the magistrate shall not award punishment, but shall report the circumstances to the trustees of the rural school section or division in which the offence has occurred.

\* Clerical error; should be section one hundred and ninety.

## 2. PROVISIONS RELATING TO MUNICIPALITIES.

(1.) *Personal Responsibility of Councillors or School Trustees in Investing Moneys.*

**161.** No member of any municipal corporation shall take part in, or in any way be a party to, the investment of any of the moneys which are mentioned in the *one hundred and forty-third* \* section of this Act, by or on behalf of the corporation of which he is a member, otherwise than as is authorized by that section, or by the eleventh section of the Act respecting clergy reserves, or by any other law in that behalf made and provided;

Liability or members or corporation or school trustees investing money otherwise than authorized by this Act.

(a) Any such person so doing shall be held personally liable for any loss sustained by such corporation.

(2.) *Municipal Responsibility to Her Majesty.*

**162.** Every county, city, and town withdrawn from the jurisdiction of the county within which it is situated, shall be responsible to Her Majesty, and to all other parties interested, that all moneys coming into the hands of the treasurer of the county, city or town, in virtue of his office, shall be by him duly paid over and accounted for, according to law.

Municipality responsible on default of chamberlain, etc.

(3.) *Treasurer, and Sureties responsible to the Municipality.*

**163.** The treasurer and his sureties, shall be responsible and accountable for such moneys in like manner to the county, city or town, and any bond or security given by them for the duly accounting for and paying over moneys coming into his hands, belonging to the county, city or town, shall be taken to apply to all such moneys as are mentioned in the *one hundred and thirtieth and following sections* † of this Act, and may be enforced against the treasurer or his sureties, in case of default on his part.

Treasurer, etc., responsible to county, etc. Bonds to apply.

(4.) *Bond of Treasurer and sureties to apply to School Moneys.*

**164.** The bond of the treasurer and his sureties shall apply to school moneys, and all public moneys of the Province, and, in case of any default, Her Majesty may enforce the responsibility of the county, city or town, either by stopping a like amount out of any public moneys payable to the county, city or town, or to the treasurer thereof, or by suit or action against the corporation.

Bonds to apply to school moneys, etc.

(5.) *Parties Aggrieved may recover from Municipality.*

**165.** Any person aggrieved by the default of the municipal treasurer may recover from the corporation of any city, county, or town, the amount due or payable to such person as money had and received to his use.

City, etc., responsible for default of chamberlain, etc.

\* Clerical error; should be sections one hundred and fifty-two and on hundred and fifty-three.

† Clerical error; should be section one hundred and thirty-eight



(6.) *Township Clerk to provide School Map of Township.*

School map  
penalty on  
township-  
clerk.

**166.** Should any township clerk neglect or refuse to prepare and furnish the map of the school sections or other divisions of his municipality, as required by the *fifty-second*\* section of this Act, he shall be liable to a penalty not exceeding ten dollars, to be recovered before a magistrate, for the school purposes of his municipality, at the instance of any ratepayer thereof.

(7.) *Trustees not Liable for Acting under Municipal By-Laws.*

Trustees  
acting under  
by-laws not  
liable.

**167.** Trustees shall not be liable to any prosecution, or the payment of any damages, for acting under any by-law of a municipal council before it has been quashed ;

(a) In case a by-law, order, or resolution of a municipal council be illegal, in whole or in part, and in case anything has been done under it, which, by reason of the illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring such action has been given to the corporation ;

(b) Every such action shall be brought against the municipal corporation alone, and not against any person acting under the by-law, order, or resolution.

### 3. PROVISIONS AFFECTING PUBLIC SCHOOL TRUSTEES AND OFFICERS.

#### (1.) *Personal Responsibility of Trustees for Moneys Lost to the Section.*

Trustees per-  
sonally respon-  
sible for  
moneys lost.

**168.** The trustees of every school section shall be personally responsible for the amount of any school moneys forfeited by or lost to the school section in consequence of the neglect of duty of the trustees during their continuance in office ;

(a) The amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act.

#### (2.) *Trustee to exact Security from Secretary-Treasurer, etc.*

Trustees to  
exact security  
for school  
moneys, &c.

**169.** All moneys collected in any school section by the trustee corporation shall be paid into the hands of the secretary-treasurer thereof ;

(a) It shall be the duty of school trustees to exact security from every person to whom they entrust school moneys, or other school property, and to deposit said security with the township council for safe keeping ;

(b) Should the trustees refuse or neglect to take proper security from the secretary-treasurer, or other party to whom they entrust school moneys, they shall be held personally responsible for the moneys, as provided by this Act.

\* Clerical error ; should be section sixty.

(3.) *Remedy in case of Embezzlement and Loss.*

**170.** If any part of the public school fund or moneys be embezzled or lost, through the dishonesty or faithlessness of any trustee, secretary-treasurer, or other person to whom it has been entrusted, and proper security against the loss has not been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost ;

Certain parties personally responsible in case of lost school moneys.

(a) And such sums may be recovered from him or them by the party entitled to receive the same, by action at law in any court having jurisdiction to the amount, or by information at the suit of the Crown.

(4.) *Secretary-Treasurer and Trustees to account for Moneys, etc.*

**171.** If any secretary-treasurer appointed by the school trustees of any school section or division or any person having been such secretary-treasurer, or any trustee or other person who may have in his possession any books, papers, chattels, or moneys, which came into his possession as such secretary-treasurer, trustee or otherwise, and wrongfully withholds or neglects, or refuses to deliver up, or to account for, and pay over the same or any part thereof to the person, and in the manner directed by a majority of the school trustees for the school section then in office, or by other competent authority, such withholding, neglect or refusal to deliver up, or account for, shall be a misdemeanor, punishable, as provided in the three following sections of this Act.

Penalty on secretary-treasurer or trustee for refusing to account.

**172.** Upon application to the judge of the county court, by a majority of the trustees, or any two ratepayers in a school section or division, supported by their affidavit made before some justice of the peace, of such wrongful withholding or refusal, the judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer, or trustee, or other person, do appear before him at a time and place to be appointed in the order ;

Mode of proceeding in the case.

(a) Any bailiff of a division court, upon being required by judge, shall serve the order personally on the party complained against, or leave the same with a grown-up person at his residence.

**173.** At the time and place so appointed, the judge being satisfied that service has been made, shall, in a summary manner, and whether the party complained of does or does not appear, hear the complaint, and if he is of opinion that the complaint is well founded, the judge shall order the party complained of to deliver up, account for, and pay over the books, papers, chattels, or moneys as aforesaid by a certain day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may tax.

Judge to issue order.

Effect of non-compliance with Judge's order.

**174.** In the event of a non-compliance with the terms specified in such order, or any or either of them, the judge shall order the said party to be forthwith arrested by the sheriff of any county in which he may be found, and to be committed to the common gaol of his county, there to remain without bail until the judge be satisfied that the party has delivered up, accounted for, or paid over the books, papers, chattels, or moneys in question, in the manner directed by the majority of the trustees, or other competent authority, as aforesaid: upon proof of his having so done, the judge shall make an order for his discharge, and he shall be discharged accordingly.

Other remedy not affected.

**175.** No such proceeding shall impair or affect any other remedy which the said trustees, or other competent authority, may have against the secretary-treasurer, or person having been such secretary-treasurer or his sureties, or against any trustee or other person as aforesaid.

(5.) *Person chosen as Trustee Refusing to serve.*

Penalty for refusing to serve as Trustee.

**176.** If any person chosen as trustee refuses to serve, he shall forfeit the sum of five dollars;

(a) Every person so chosen who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall forfeit the sum of twenty dollars, to be sued for and recovered before a Justice of the Peace, by the trustees of the school section or division, or by any two ratepayers, for its use, as authorized by this Act.

(6.) *Trustees' Refusal to Exercise Corporate Powers.*

Penalty for refusing to exercise corporate powers.

**177.** Should the trustees of any public school wilfully neglect or refuse to exercise all the corporate powers vested in them by this Act for the fulfilment of any contract or agreement made by them, any trustee or trustees so neglecting or refusing to exercise such powers shall be held to be personally responsible for the fulfilment of such contract or agreement.

(7.) *Refusal to Account to School Auditors.*

Penalty on Trustees Refusing Information, &c., to Auditor.

**178.** If the trustees, or their secretary-treasurer in their behalf, refuse to furnish the auditors of any accounts of a rural school section, or either of them, with any papers or information in their power, and which may be required of them, relative to their school accounts, the party so refusing shall be guilty of a misdemeanor, and upon prosecution by either of the auditors, or any rate-payer, shall be punished by fine or imprisonment, as provided by this Act;

(a) The auditors, or either of them, may enforce the collection of any moneys by them awarded to be paid, in the manner prescribed by the thirty-second section of this Act.



(8.) *Neglect to send Half-Yearly Returns to Inspector.*

**179.** In case the trustees of any rural school section shall neglect to transmit to the county inspector, on or before the thirtieth day of June, and the thirty-first day of December in every year, a correct and verified statement of the average attendance of pupils in each of the schools under their charge during the six months then immediately preceding, then the school section shall not be entitled to the apportionment from the school fund for the said six months;

Penalty for  
Neglecting to  
send half-  
yearly return.

(a) The trustees so neglecting shall be personally responsible for amount of the loss of such apportionment.

(9.) *Neglect to send Annual Report to Inspector.*

**180.** In case the trustees of any school section neglect to prepare and forward the aforesaid annual report to their County Inspector by the thirty-first day of January in every year, each of them shall, for every week after such thirty-first day of January, and until such report has been prepared and presented, forfeit the sum of five dollars, to be sued for by the County Inspector, and collected and applied in the manner provided for by this Act.

Penalty for  
Delaying  
Yearly Report

(10.) *Penalty for False Report and Registers.*

**181.** If any trustee of a public school knowingly signs a false report, or if any teacher of a public school keeps a false school register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such school, the trustee or teacher shall, for every offence, forfeit to the public school fund of the township, the sum of twenty dollars, for which any person whatever may prosecute him before a justice of the peace, and the trustee or teacher may be convicted on the oath of one credible witness other than the prosecutor;

Penalty for  
false school  
reports and  
registers.

(a) If, upon conviction, the penalty is not forthwith paid, the same shall, under the warrant of the justice, be levied with costs by distress and sale of the goods and chattels of the offender;

(b) The penalty, when so paid or collected, shall by the justice be paid over to the said public school fund; or the said offender may be prosecuted and punished for the misdemeanor;

(c) Any teacher who refuses to deliver up the school house key or register shall be punished, as provided in the sixth clause of the *eighty-seventh* \* section of this Act.

(11.) *How to deal with Refractory Pupils.*

**182.** Any pupil who shall be adjudged so refractory by the trustees (or by a majority of them) and the teacher, that his presence in school is deemed injurious to the other pupils, may be dismissed from such school, and, where practicable, removed to an industrial school.

Refractory  
pupils.

\* Clerical error; should be section ninety-two.

## PUBLIC SCHOOL MEETINGS, THEIR OFFICERS AND ELECTORS

(1.) *Separate School Supporters not entitled to Vote.*

Separate school supporters not to vote.

**183.** No person subscribing towards the support of a separate school established under any Act respecting separate schools, and belonging to the religious persuasion thereof, and sending a child or children thereto, shall be allowed to vote at the election of any trustee for a public school in the city, town, village or township in which the separate school is established.

(2.) *False Declaration of Right to Vote at School Meetings.*

Penalty for making a false declaration.

**184.** If any person wilfully makes a false declaration of his right to vote at any school meeting or election of school trustees, he shall be guilty of a misdemeanor, and upon conviction, upon the complaint of any person, shall be punishable by fine or imprisonment, at the discretion of the court of Quarter Sessions, or by a penalty of not less than five dollars, or more than ten dollars, to be sued for and recovered with costs before a Justice of the Peace, by the public school trustees of the city, town, village, school section, or other division, for its use.

(3.) *Returning Officer at School Trustee Elections.*

Penalty on returning officer for wrong doing.

**185.** If the returning officer at any election of a public school trustee in a city, town or incorporated village, be convicted before the County Judge, of disregarding the requirements of the law, or acting partially in the execution of his office, he shall be fined a sum of not less than twenty dollars, or more than one hundred dollars at the discretion of the County Judge.

(4.) *Chairman to send Report of School Meetings to Inspector.*

Penalty on Chairman for neglect.

**186.** Any chairman who neglects to transmit to the county inspector a copy of the proceedings of an annual or other rural school section meeting over which he may preside, within ten days after the holding of such meeting, shall be liable, on the complaint of any ratepayer, to a fine of not more than five dollars, to be recovered as provided by this Act.

(5.) *Failure of Trustee-Elect to make Declaration of Office.*

Fine for default or in case of neglect to make declaration.

**187.** If any person elected as trustee of a rural school section shall not make the declaration of office within two weeks after notice of his election, his neglect to do so shall be sufficient evidence of his refusing to serve, and of his liability to pay the fine of five dollars, as provided for in the one hundred and seventy-sixth section of this Act.

(6.) *Neglect to give Notice of School Meetings.*

**188.** In case any annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice, shall forfeit the sum of five dollars, to be sued for and recovered before a Justice of the Peace, by any resident inhabitant in the rural school section, for the use thereof, as provided by this Act.

Penalty for not calling certain school meetings.

(7.) *Disturbing a Public School or School Meeting.*

**189.** Any person who wilfully disturbs, interrupts, or disquiets the proceedings of any school meeting authorized to be held by this Act, or any one who wilfully interrupts or disquiets any public school established and conducted under its authority, or other school, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the school, shall, for each offence, on conviction thereof before a justice of the peace, on the oath of one credible witness, forfeit and pay for public school purposes to the school section, city, town, or village within which the offence was committed, a sum not exceeding twenty dollars, together with the costs of the conviction, as the said justice may think fit; or the offender may be indicted and punished for any of the offences hereinbefore mentioned as a misdemeanor.

Penalty for disturbing a school or school meeting.

(5.) *HOW FINES AND PENALTIES MAY BE RECOVERED.*

**190.** Unless it is in this Act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceeding, may be sued for, recovered, and enforced, with costs, by and before any justice of the peace having jurisdiction within the school section, city, town or village in which such fine or penalty has been incurred;

How penalties under this Act shall be recoverable.

(a) If the fine or penalty and costs be not forthwith paid, the same shall, by and under the warrant of the convicting justice, be enforced, levied, and collected, with costs, by distress and sale of the goods and chattels of the offender, and shall be by the justice paid over to the school treasurer of the school section, city, town or village, or other party entitled thereto;

(b) In default of such distress, the justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavouring to collect the same, be sooner paid.



## PART XIII.—REPEALING, CONFIRMING AND INTERPRETATION CLAUSES.

1. REPEAL OF ACTS OF 1859, 1869 AND 1871, AND ITS EFFECTS.
2. CONSOLIDATED SCHOOL ACT NOT A NEW LAW.—HOW TO BE CONSTRUED.
3. REFERENCE TO OTHER ACTS, AND INTERPRETATION.

### 1. REPEAL OF ACTS OF 1859, 1869 AND 1871.—EFFECT.

Repeal of the  
Acts of 1859,  
1869 and 1871.

**191.** From and after the passing of this Act, the several Acts passed in the twenty-second year of Her Majesty's reign, chaptered sixty-four, in the twenty-third year of Her Majesty's reign, chaptered forty-nine, and in the thirty-fourth year of Her Majesty's reign, chaptered thirty-three, in so far as they relate to Public Schools, shall be and are hereby repealed ;

Saving as to  
transactions  
anterior to the  
repeal.

1. The repeal of the said Acts and parts of Acts shall not revive any Act or provision of law repealed by them ; nor shall the said repeal prevent the effect of any saving clause in the said Acts and parts of Acts, or the application of any of the said Acts or of any Act or provision of laws formerly in force, to any transaction, matter or thing anterior to the said repeal, to which they would otherwise apply ;

Certain mat-  
ters anterior to  
the repeal not  
affected by it.

2. The repeal of the said Acts or parts of Acts shall not disturb, invalidate, or prejudicially affect any penalty or liability incurred before the time of such repeal, or any proceedings had for enforcing the same, nor any action, suit, judgment, execution, process, order, rule, or any proceeding whatever had respecting the same ; nor any office, appointment, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal ; but every such penalty, liability, action, suit, judgment, execution, process, order, rule, office, appointment, salary, allowance, security, duty, and every other such matter or thing respectively may and shall, both at law and equity, remain and continue as if no such repeal had taken place ;

But remain  
as before.

How construed  
if in any case  
it differ from  
the repealed  
Acts.

3. Whenever the provisions of the said Consolidated Act are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions, matters and things subsequent to the time when the said Consolidated Act take effect, the provisions contained in it shall prevail, but as respects all transactions, matters and things anterior to the said time, the provisions of the said repealed Acts and parts of Acts shall prevail ;

As to reference  
to repealed  
Acts in former  
Acts.

4. Any reference in any former Act remaining in force, or in any instrument or document, to any Act or enactment so repealed, shall, after this Consolidated Act takes effect, be held, as regards any subsequent transaction, matter or thing, to be a reference to the enactments in this Consolidated Act having the same effect as such repealed Acts or enactment.

3. REFERENCE TO OTHER ACTS AND INTERPRETATION.

**192.** Wherever reference is made in this Act to the Municipal Institutions or Assessment Acts, it shall be held to mean those Acts, or amendments to them, which may be in force at the time of performing any duty under their authority;

Meaning of reference to Municipal and Assessment Acts.

2. The word "teacher" shall include female as well as male teachers; the word "county" shall include unions of counties, and the word "townships" shall include unions of townships made for municipal purposes.

Interpretation clause.

**193.** Nothing in this Act authorizing the levying or collecting of rates on taxable property for Public School purposes shall apply to the supporters of Roman Catholic Separate Schools.

No rate on supporters of Roman Catholic Separate Schools.

SCHEDULE A.

BEING FORM OF TOWNSHIP DEBENTURE.

(Referred to in Section forty-sixth of this Act.)

PROVINCE OF ONTARIO.

§ *Debenture of the Township of* , *County of* . *No.*  
*for School Loan.*

The Corporation of the Township of , hereby promise to pay to Bearer, at the Bank of , at , the sum of dollars, lawful money of Canada, year from the date hereof; and to pay interest at the rate of per cent. per annum half-yearly to the Bearer of the annexed coupons respectively, upon the presentation thereof at the said Bank.

Issued at , this day of , 18 , by virtue and under the authority of Section , of an Act of the Legislative Assembly of the Province of Ontario, passed in the thirty-seventh year of Her Majesty's reign, and chaptered , and pursuant to By-law, No. of said Township of passed on the day of A.D. 18 , intituled "A By-law to raise by way of loan the sum of dollars for the purposes therein mentioned" (or as the case may be.)

A. B., Reeve. C. D., Treasurer.

COUPON, No.

The Corporation of the Township of will pay the Bearer at the Bank of at , on the day of , the sum of dollars, interest due on that day on Debenture No. C. D., Treasurer.

SCHEDULE OF STATUTES Consolidated in the Consolidated Public School  
Bill of 1874.

22 VIC., CAP. 64.

22 Vic., c. 64.	Where in Consolidated Public School Bill, 1874.	22 Vic., c. 64.	Where in Consolidated Public School Bill, 1874.
1	2	31	168, 169, 179
2	3	32	48 (1)
3	4	33	58
4	6	34	46 (5)
5	8	35	46 (7), 48 (2)
6	7	36	47
7	11, 60 (7)	37	48 (6, 7)
	12	38	41 (7)
9	13	39	46 (1, 3)
10	14	40	48 (10), 57, 78
11	15	41	46 (2)
12	16	42	46 (3), 54
13	17	43	55
1	1	44	56
2	2	45	amended
3	3	46	amended
14	18	47	effete
15	19	48	46 (4), 60 (3)
16	20	49	60 (1, 2)
1	1	50	61 (1), 62 (6), 65, 112
2	2		(33)
3	3	51	64, 61 (11)
4	effete	52	62 (1)
17 amended	21	53	effete
18	184	54	effete
19	183	55	66
20	26 (24)	56	61 (7, 8), 163
21	188	57	62 (3)
22	22	58	61 (6)
23	176	59	66
24	10	60	67, 163
25	112	61	effete
1	(15)	62	70
2	(16)	63	69
26	23	64	71
27	26	65	75
1	(1)	66	76
a	a	67	77
b	b	68	78
c	c	69	79
d	d	70	80
2	26 (2), 27, 28	71	184
3	26 (5)	72	83a
4	(8)	73	185
5	26 (9), 28 (2)	74	83b
6	26 (9), 28 (4, 5)	75	81
7	26 (10)	76	82
8	26 (11), 148	77	85
9	26 (12), 85	78	86 (2)
10	26 (13, 15)	79	86
11	26 (16)		(1)
12	28 (3), 59, 60 (6)	1	86 (3), 87
13	28 (7)	2	86 (2)
14	26 (17)	3	(4)
15	(18)	4	(4)
16	(19)	5	87
17	(21)	6	86 (5)
18	(22)	7	86 (7), 114 (24)
19	26 (23), 28 (2)	8	87 (6)
20	26 (24), 177	9	81 (1)
		10	



SCHEDULE OF STATUTES Consolidated in the Consolidated Public School Bill of 1874.—*Continued.*

22 VIC., CAP. 64.—*Continued.*

22 Vic., c. 64.	Where in Consolidated Public School Bill, 1874.	22 Vic., c. 64.	Where in Consolidated Public School Bill, 1874.
21	26 (25)	11	86 (11)
22	26 (26), 179	<i>a</i>	86 (11) <i>a</i>
23	26 (27)	<i>b</i>	<i>b</i>
(1)	(1)	<i>c</i>	<i>c</i>
(2)	(2)	<i>d</i>	<i>d</i>
(3)	(3)	<i>e</i>	<i>e</i>
(4)	(4)	<i>f</i>	<i>f</i>
28	180	12	(13)
29	effete	13	(15, 16)
30	33, 34	14	(17)
15	86 (18, 19)	106 10	129 (17)
16	(25)	11	(15)
17	(26)	12	(14)
18	86 (14), 87 (8)	13	129 (18, 19)
80	90	14	(13)
81	91	15	In Bill No. 138
82	92	16	do
1	(1)	17	129 (25)
2	(2)	18	(24)
82 3	82 (3)	107	In Bill No. 138
4	(4)	108	131
5	(5)	109	132
6	(7)	110	133
	(8)	111	134
83	93, 94	112	135
84	effete	113	136
85	effete	114	In Bill No. 138
86	effete	115	do
87	effete	116	do
88	effete	117	do
89	111	118	do
90	104	119	do
91	112	1	do
1	112 (1), 129	2	do
2	85 (16), 112 (3, 4, 6), 114 (13)	3	do
3	112 (7), 114	4	do
4	112 (8), 114 (4)	5	do
5	112 (9)	6	101
6	114 (6, 8, 9)	7	In Bill No. 138
7	112 (18), 114 (12)	120	do
8	114 (28), 129 (5)	1 <i>a</i>	do
9	112 (21), 114 (14), 118	<i>b</i>	do
10	114 (24), 114 (16)	<i>c</i>	do
11	112 (37, 38), 114 (19, 25, 26, 29)	<i>d</i>	do
	112 (39), 114 (27)	<i>e</i>	do
	112 (39) <i>a</i>	<i>f</i>	do
<i>a</i>	<i>b</i>	2 <i>a</i>	129, 130 (1)
<i>b</i>	<i>c</i>	<i>b</i>	(2)
<i>c</i>	<i>d</i>	<i>c</i>	(3)
<i>d</i>	<i>e</i>	<i>d</i>	(4)
<i>e</i>	<i>f</i>	<i>e</i>	(5)
<i>f</i>	<i>f</i>	<i>f</i>	(6)
		<i>g</i>	(7)
92	113	<i>h</i>	(8)
93	113	121	effete
94	effete	122	effete
95	effete	123	129, 138, 139
96	effete	124	129 (7), 140, 164
97	117	125	effete

SCHEDULE OF STATUTES Consolidated in the Consolidated Public School Bill of 1874.—*Continued.*

22 VIC., CAP. 64.—*Continued.*

22 Vic., c. 64.	Where in Consolidated Public School Bill, 1874.	22 Vic., c. 64.	Where in Consolidated Public School Bill, 1874.
98	effete	126	146
99	118, 119	127	26 (18), 60 (4) 155
100	124	128	144
101	125	129	142
102	126	130	171
103	127	131	172
104	128	132	172
105	In Bill No. 138	133	173
106	129	134	174
1	(1)	135	174
2	(2)	136	175
	(3)	137	170
4	(16)	138	181
5	(8, 9)	139	189
6	(10)	140	190
7	(4, 5, 12)	141	193
8	(6)	142	Title
9	(12)		

23 VIC., CAP. 49.

23 Vic., c. 49.	Where in Consolidated Public School Bill, 1874.	23 Vic., c. 49.	Where in Consolidated Public School Bill, 1874.
1	92 (6), 181	12	26 (11), 93, 148
2 amended	48 (10a), 50, 61 (9), 112 (29)	13	112 (15)
3	13, 16, 21, 26, 46 (5), 48 (1), 184	14	112 (18), 129 (5)
4	5, 72	15	147
5 amended	50, 51, 52, 53, 57	16	61, 89, 117
6	25	17	149
7	24, 26, 148	18 amended	9, 187
8	20, 26 (3, 24), 30 to 32, 129 (5)	19	186
9	effete	20	167
10	7, 26 (6), also Bill 138	21	26 (2), 29, 86 (12)
11	16, 19, 91, 104	22	112 (22, 23), 114 (14, 15), 118
		23	137
		24	effete

26 VIC., CAP. 5 (in part).

26 Vic., c. 5.	Where in Consolidated Public School Bill, 1874.	—	—
27	129 (11)		

SCHEDULE OF STATUTES Consolidated in the Consolidated Public School Bill of 1874.—*Continued.*

29-30 VIC., CAP. 51 (in part).

29-30 Vic., c. 51.	Where in Consolidated Public School Bill, 1874.	—	—
274	87 (7)		

29-30 VIC., CAP. 53 (in part).

29-30 Vic., c. 53.	Where in Consolidated Public School Bill, 1874.	29-30 Vic., c. 53.	Where in Consolidated Public School Bill, 1874.
198	162	200	164
199	163	201	165

31 VIC., CAP. 30 (in part).

31 Vic., c. 30.	Where in Consolidated Public School Bill, 1874.	—	—
Sec. 27	62 (2)		

32 VIC., CAP. 43 (in part).

32 Vic., c. 43.	Where in Consolidated Public School Bill, 1874.	—	—
Sec. 21	62 (2)		



SCHEDULE OF STATUTES Consolidated in the Consolidated Public School Bill of 1874.—*Continued.*

34 VIC., CAP. 33.

34 Vic., c. 33.	Where in Consolidated Public School Bill, 1874.	34 Vic., c. 33.	Where in Consolidated Public School Bill, 1874.
1	26 (13, 14, 15), 46 (5), 86 (1, 11, 13), 87 (2)	26	37, 112
2	26 (7, 9, 19), 86 (20)	27	94, 131
3	26 (19), 156, 182	28	133
4	159, 160	29	149
5	61 (2), 89 (1)	30	176
6	86 (7, 16), 88, 89 (2), 114, 117	1	86 (13)
7	88, 103, 105, 111	2	26 (11), 148
8	61 (2, 3), 88, 105, 114	3	26 (12), 90
9	88, 112 (1a), 114, 129	4	48 (9), 59
10	85 (11a), 63, 86 (7), 88, 106	5	112 (2, 3)
11	61 (4, 5), 89 (2), 112, 115, 117, 118	6	26 (17), 71, 72
12	31, 112, 118, 120, 122	31	67, 71, 74, 77, 85
13	In Bill No. 138	32	In Bill No. 138
14	48 (1)	33	do
15	46 (1)	34	do
16 amended	48 (10a), 50, 61 (9)	35	112 (3) and Bill No. 138
17	112 (29)	36	114 (12) do
18	35, 87d	37	In Bill No. 138
19	52, 112 (12, 13, 14 )	38	do
20	166	39	do
21	26 (9, 14), 46 (5), 48 (2)	40	86 (11a, d)
22	20 (2), 26 (25), 32 (4)	41	26e, 95, 96
23	24	42	112 (4, 5), 114 (13a)
24	169, 171	43	In Bill No. 138
25	9, 187	44	61 (6) and Bill No. 138
	36, 112	45	30 (3, 4), 86 (1, 13), 169
		46	to 175
		47	73
		48	Repealing clause

CAP. XXIX.

An Act respecting Industrial Schools.

[Assented to 24th March, 1874.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Industrial school, definition of.

1. A school in which industrial training is provided, and in which children are lodged, clothed and fed, as well as taught, shall exclusively be deemed an industrial school within the meaning of this Act.

In cities, examinations by Inspector, report thereon.

2. In case the public school board of trustees for any city, or the separate school trustees therein, establish an industrial school, and provide the necessary building or buildings, either by

by purchase, lease or otherwise, and provide the other requisites for such schools, and cause notice thereof to be given to the city inspector of public schools, the said inspector shall make an examination of the school buildings so provided, and of their fitness for the reception of children, and shall enquire as to the other requisites provided, and shall enquire also into the means adopted for carrying on the school, and shall report the said particulars to the Chief Superintendent of Education; and if the Chief Superintendent is satisfied with the report of the inspector, he may, in writing under his hand, certify that the school is a fit and proper one for the reception of children to be sent there, and the school shall thereupon be deemed a certified industrial school for the purposes of this Act.

Certificate by  
Chief Superintendent.

3. The notice of the grant of the Certificate shall forth with be given by the Board to the police magistrate, and shall likewise be inserted by the Board in the *Ontario Gazette*; and a copy of the *Gazette* containing the notice shall be conclusive evidence of the grant, which may also be proved by the certificate itself, or by an instrument purporting to be a copy of the certificate, and attested as such by the Chief Superintendent for the time being, or his deputy.

Notice of the  
certificate and  
evidence  
thereof.

4. Any person may bring before the police magistrate any child apparently under the age of fourteen years, who comes within any of the following descriptions namely:—

Certain children under fourteen may be brought before Police Magistrate.

(1.) Who is found begging or receiving alms, or being in any street or public place for the purpose of begging or receiving alms;

(2.) Who is found wandering, and not having any home or settled place of abode or proper guardianship, or not having any lawful occupation or business, or visible means of subsistence;

(3.) Who is found destitute, either being an orphan or having a surviving parent who is undergoing penal servitude or imprisonment;

(4.) Whose parent, step-parent or guardian represents to the police magistrate that he is unable to control the child, and that he desires the child to be sent to an industrial school under this Act;

(5.) Who, by reason of the neglect, drunkenness or other vices of parents, is suffered to be growing up without salutary parental control and education, or in circumstances exposing him to lead an idle and dissolute life.

5. If the police magistrate is satisfied on enquiry that it is expedient to deal with the child under this Act, he may order him to be sent to a certified industrial school; which order shall be in writing, and shall specify the name of the school, and the time for which the child is to be detained in the school, being such time as to the police magistrate seems proper for the teaching and training of the child, but not in any case extending beyond the time when the child will attain the age of sixteen years.

Magistrate may order child to school; requisites of the order.

Admission to the schools.

Powers as to instruction and employment.

**6.** The said school corporations may admit into the industrial schools established by them, all children apparently under the age of fourteen years, who shall be committed to the said school by the police magistrate; and the said corporations respectively shall have power to place the said children at such employments, and cause them to be instructed in such branches of useful knowledge as shall be suitable to their years and capacities.

Roman Catholic children.

**7.** In case an industrial school is established by the Roman Catholic separate school trustees in any city, the police magistrate shall endeavour to ascertain the religious persuasion to which every child to be sent by him to an industrial school belongs, and shall, as far as practicable, send Roman Catholic children to the Roman Catholic Industrial School and other children to the other Industrial school: and if a parent or guardian, or in case there be no parent or guardian, then if the nearest adult relative of a child in a Roman Catholic separate school claims that the child should be sent to the industrial school under the said Board of trustees, or claims that a child in an industrial school established by the latter should be sent to the Roman Catholic separate school, the Chief Superintendent, on being satisfied of the justness of such claim, shall order a transfer of the child accordingly, provided that the managers of the school to which the transfer is to be made are willing to receive the child.

Visits by clergymen.

**8.** A minister of the religious persuasion to which a child appears to belong may visit the child at the school on such days and at such times as may be from time to time fixed by regulations of the Council of Public Instruction in that behalf, for the purpose of instruction in religion.

Children may reside with respectable persons.

**9.** The school corporation may permit a child sent to their industrial school under this Act to live at the dwelling of any trustworthy and respectable person, so that a report is made forthwith to the Chief Superintendent, in such manner as he thinks fit to require, of every instance in which this discretion is exercised.

Revocation of permission to reside out of school.

**10.** Any permission for that purpose may be revoked at any time by the school corporation; and thereupon the child to whom the permission relates shall be required to return to the school.

Time of absence how calculated. Return to school.

**11.** The time during which the child is absent from the school under permission shall, except where the permission is withdrawn on account of the child's misconduct, be deemed to be part of the time of his detention in the school, and, at the expiration of the time allowed by the permission, he shall be taken back to the school.

What shall be deemed escape from school.

**12.** A child escaping from the person with whom he is placed, or refusing to return to the school on the revocation of the permission



permission or at the expiration of the time allowed thereby, shall be deemed to have escaped from the school.

**13.** The Chief Superintendent may at any time order any child to be discharged from a certified industrial school, either absolutely or on such conditions as he thinks fit, and the child shall be discharged accordingly. Discharge from school.

**14.** The School Corporation may at any time during the period of the detention of a child in a school, if he has conducted himself well in the school, bind him, with his own consent, apprentice to any trade, calling or service, and every such binding shall be valid and effectual to all intents. Apprentising.

**15.** The said school corporation may from time to time make rules for the management and discipline of the certified industrial school established by the board, such rules not being inconsistent with the provisions of this Act; but the rules shall not be enforced until they have been approved by the Council of Public Instruction; and rules so approved shall not be altered without the like approval; a printed copy of the rules purporting to be rules of a school so approved and signed by the Chief Superintendent shall be evidence of the rules of the school. Rules for management; power to make, Evidence of.

**16.** On the complaint of the school corporation or of any agent of the school corporation, at any time during the detention of a child in a certified industrial school, the judge of the division court of the division in which the parent, step-parent or guardian of the child resides, may, on summons to the parent, step-parent or guardian (Form A), issued and served according to the ordinary practice of the court, examine into his ability to maintain the child, and the judge may, if he thinks fit, make an order on such parent, step-parent or guardian for the payment to the school corporation of such weekly sum not exceeding one dollar per week, as to the judge seems reasonable, during the whole, or any part of, the time during which the child is liable to be detained in the school, and the said order shall for all purposes be a judgment of the said division court. Power to order parent, &c., to maintain a child.

**17.** The judge making such order, or any other judge holding the said division court, may from time to time vary any such order as circumstances require, on the application either of the person on whom the order is made, or of the school corporation or its agent, on fourteen days' notice of the application being first given to the other party. Varying the order for maintenance.

**18.** The officers of the court shall be entitled to charge fees upon proceedings had under the two next preceding sections, according to the lowest division court scale, and in every case all costs shall be in the discretion of the judge. Costs of order for maintenance.

Liability of other corporations for maintenance according to residence of the child.

**19.** In case a child sent by a police magistrate to an industrial school, has not resided in the city for a period of one year, but has resided for that period in some other county, city, or separated town, the school corporation may recover from the corporation of such county, city, or separated town the expense of maintaining the child; or if the child, although he or she had resided for a period of one year in the city in which the industrial school is situated, had, since such residence, been resident for a period of one year in some other municipality, the school corporation may, in like manner, recover the expense of maintenance from the county, city, or separated town in which the child last resided for a period of one year.

Apprehension on escape or absence.

**20.** If a child sent to a certified industrial school, and while liable to be detained there, escapes from the school, or neglects to attend thereat, he may, at any time before the expiration of his period of detention, be apprehended without warrant, and may be brought back to the same school there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his escape.

Chief Superintendent to apportion grants for schools.

**21.** In case any money is granted or provided by the Legislature for the support of industrial schools, it shall be the duty of the Chief Superintendent, and he is hereby empowered, to apportion the money on or before the first day of May, to the several industrial schools in the province, according to the average number of pupils at each school from time to time during the preceding year as compared with the whole average number at the industrial schools established under this Act.

Liability to inspection; the laws that govern.

**22.** Industrial schools established under this Act shall be under the same inspection, and subject to the same laws in all respects, as other schools established by the school corporation, except so far as may be inconsistent with this Act.

Surrender of child to parents or other persons.

**23.** Whenever it is satisfactorily proved that the parents of any child committed under the provisions of this Act have reformed and are leading orderly and industrious lives, and are in a condition to exercise salutary parental control over their children, and to provide them with proper education, and employment, or whenever, said parents being dead, any person may offer to make suitable provision for the care, nurture and education of such child as will conduce to the public welfare, and will give satisfactory security for the performance of the same, then the board of school trustees may discharge said child to the parents or to the party making provision for the care of the child as aforesaid.

Appeal from order of Chief Superintendent.

**24.** From any order or decision made hereunder by the Chief Superintendent, an appeal may within one month after the making thereof, be made to the Lieutenant-Governor in Council, the decision whereof on the matter of appeal shall be final.

**25.** This Act may be cited as “The Industrial Schools Act Short title. of 1874.”

### SCHEDULE.

## FORM A.

*Referred to in the Sixteenth Section of this Act.*

[L.S.]

### SUMMONS FOR MAINTENANCE IN INDUSTRIAL SCHOOL.

In the \_\_\_\_\_ division court of the county  
of \_\_\_\_\_

BETWEEN the Public School Board of the city of

*Plaintiffs,*

AND

*C. D.*

*Defendant.*

You, the above-named defendant, are hereby summoned to appear at the next sitting of this court, to be holden at \_\_\_\_\_ in the county of \_\_\_\_\_

on the day of A.D. 187 , at the hour of ten o'clock in the forenoon, to answer the allegation of the plaintiff, that you, the said are liable for the expense of maintaining one E. D., a boy detained in the Industrial School, under the charge of the above-named plaintiffs, in the city of

And, further, you are hereby required to take notice that the plaintiffs claim that you are able to pay the sum of \$        per week towards the said expenses, and that if you do not appear at the said time and place, such order will be made in your absence as may seem just.

Dated this                      day of                      A.D. 187

By the Court,

X \_\_\_\_\_ Y \_\_\_\_\_

*Clerk.*

## CAP. XXX.

An Act to amend and consolidate the Acts relating to the Profession of Medicine and Surgery in Ontario.

[Assented to 24th March, 1874]

WHEREAS it is expedient to amend and consolidate the Preamble.  
Acts relating to the medical profession of Ontario;  
Therefore Her Majesty, by and with the advice and consent  
of



of the Legislative Assembly of the Province of Ontario, enacts as follows :

Acts 29 V. c.  
34; C. S. U. C.  
c. 41, 24 V. c.  
110; 32 V. c.  
45 and all Acts  
amending  
same

**1.** The Act of Parliament of the late Province of Canada, passed in the twenty-ninth year of the reign of Her Majesty, chaptered thirty-four; the Act chaptered forty-one of the Consolidated Statutes for Upper Canada; the Act passed in the twenty-fourth year of Her Majesty's reign, chaptered one hundred and ten; and the Act chaptered forty-five of the Province of Ontario, passed in the thirty-second year of Her Majesty's reign, and all Acts amending any of the said Acts are hereby repealed, and the provisions of this Act shall stand in the place of the provisions of the said Acts; but all proceedings heretofore taken and all matters and things done under the said Acts shall be valid and effectual, notwithstanding such repeal, and may be carried on and completed under this Act as effectually as they could have been under the said Acts.

Council and  
board pre-  
viously elected  
continued.

**2.** The council and boards established, and the members thereof elected under the provisions of the Acts repealed shall be continued, and shall act until after the first election as hereinafter provided, but subject in all other respects to the provisions of this Act; and all by-laws, rules and regulations heretofore made by the said council and boards shall remain in force until repealed or modified under the provisions of this Act.

Officers pre-  
viously elect-  
ed continued.

**3.** The officers appointed under the provisions of the Act last above mentioned shall retain their respective offices and perform their respective duties under the provisions of this Act, and all books and registers heretofore kept by them in conformity with the Acts hereby repealed shall be continued in use for their respective purposes under this Act.

Repealed Acts  
not revived.

**4.** The repeal of the said Act, passed in the twenty-ninth year of the reign of Her Majesty Queen Victoria, chaptered thirty-four of the late Province of Canada, and also the repeal of the said Act passed in the thirty-second year of the reign of Her said Majesty, and chaptered forty-five, of the Province of Ontario, shall not have the effect of reviving the Acts repealed by them, nor of modifying or restricting in any way whatsoever the saving effect of the thirty-sixth section of the said Act passed in the twenty-ninth year of the reign of her said Majesty, and chaptered thirty-four, of the late Province of Canada.

Title of Act.

**5.** This Act may be cited as the "Ontario Medical Act."

College of  
Physicians  
and Surgeons  
of Ontario in-  
corporated.

**6** The medical profession of Ontario is hereby incorporated under the name and style of "The College of Physicians and Surgeons of Ontario," and the said College of Physicians and Surgeons of Ontario shall be deemed to be and to have been from the date of its first establishment a body corporate by the name

name aforesaid, having perpetual succession and a common seal, with a capacity to acquire, hold and dispose of chattel property and real estate for the purposes of this Act; possessing power to sue and be sued in the manner usual with such corporations; and every person registered according to the provisions of the Act passed in the twenty-ninth year of the reign of her said Majesty, and chaptered thirty-four, and the provisions of the Act, passed in the thirty-second year of the reign of her said Majesty, and chaptered forty-five, and the Acts amending the same, shall be and is hereby made a member of the said College of Physicians and Surgeons of Ontario: and every person who may be registered hereafter under the provisions of this Act shall be a member of the said College.

7. There shall be a council of the College of Physicians and Surgeons of Ontario to be appointed in the manner hereinafter provided for in this Act, and referred to in this Act as the "Council."

Council of the  
College of  
Physicians  
and Surgeons.

8. The council shall be composed as follows: of one member to be chosen from each of the colleges and bodies hereinafter designated, to wit: The University of Toronto, Queen's University and College of Kingston, University of Victoria College, University of Trinity College, Royal College of Physicians and Surgeons, Kingston, Toronto School of Medicine, and of every other college or body in the Province now by law authorized or which may be hereafter authorized to establish a medical faculty in connection therewith, and to grant degrees in medicine and surgery or other certificates of qualification to practise the same: Provided always, that no teacher, professor or lecturer of any the before-mentioned colleges or bodies shall hold a seat in the council except as a representative of the college or body to which he belongs;

How com-  
posed.

Proviso.

2. There shall also belong to the said council five members to be elected by the duly licensed practitioners in Homœopathy who have been registered under this Act, or under the provisions of the Act, passed in the thirty-second year of the reign of her present Majesty, and chaptered forty-five; and the five representatives of the eclectic system in the said Council at the time of the passing of this Act, shall be continued as such representatives for a period of five years from the passing of this Act, when such representatives in the Council shall cease and determine; and if any vacancy should occur therein during the said period, such vacancy may be filled as hereinafter mentioned;

Additional  
members.

3. The twelve members who shall be elected in the manner hereinafter provided for amongst and by the registered members of the profession other than those mentioned in the next preceding subsection shall be residents of the several territorial divisions for which they are elected.

Territorial  
members to  
reside in their  
divisions.

9. All members of the council, representing the colleges or bodies in the eighth section mentioned, shall be practitioners duly registered under this Act or the before mentioned Acts.

Members of  
the council to  
be registered.

Elections, how  
to be conduct-

**10.** Of the twelve members to be elected from amongst the registered practitioners of medicine in the Province of Ontario, one shall be so elected from each of the territorial divisions mentioned in schedule C to this Act annexed, by the registered practitioners of medicine resident in such division; and the manner of holding such election shall, with respect to the time thereof and the taking the votes therefor, be determined by a by-law, to be passed by the council; and in default of such by-law being made, then the Lieutenant-Governor shall prescribe the time and manner of holding such election.

Membership  
for five years.

**11.** The members of the council shall be elected or appointed, as the case may be, for a period of five years; but any member may resign his appointment at any time by letter addressed to the President or Registrar of the Council; and upon the death or resignation of any member of the Council, it shall be the duty of the Registrar forthwith to notify the college or body wherein such vacancy may occur, of such death or resignation; and such college or body shall have the power to nominate another duly qualified person to fill such vacancy; or, if the vacancy be caused by the death or resignation of any member elected from the territorial division, the registrar shall forthwith cause a new election to be held in such territorial division in such manner as shall be provided for by by-law of the council; and such election shall be conducted in accordance with the by-laws and regulations of the council, but it shall be lawful for the council during such vacancy to exercise the powers hereinafter mentioned;

As to Homœo-  
pathic mem-  
bers of the  
council.

**2.** In the event of the death or resignation of any member of the council representing the practitioners of the Homœopathic or Eclectic systems of Medicine respectively, it shall be lawful for the remaining representatives of Homœopathy or the Eclectic system respectively in the council to fill such vacancy by selecting from amongst the duly registered practitioners in Homœopathy or the Eclectic system respectively a person to fill the said vacancy, caused either by death or resignation.

When election  
of territorial  
division to  
take place.

**12.** The first election, under this Act, for members to represent the territorial divisions in the council, shall take place on the second Tuesday in June, in the year of our Lord one thousand eight hundred and seventy-five, at such places in the several divisions as shall be fixed by by-law of the council: and the council shall by by-law direct the notices of said election to be given in such manner and time as may seem expedient, and shall also make by-laws and regulations appointing the returning officers, and directing the manner in which elections shall be conducted, and the expenses of the same paid for;

Election of  
Homœopathic  
members.

**2.** The first election, under this Act, for members to represent the duly licensed and registered practitioners in the Homœopathic system of medicine in the council shall take place on the second Tuesday in June, one thousand eight hundred and seventy-five, in such manner and at such places as shall be fixed by by-law of the Council; and in default of such by-law being



ing made then the Lieutenant-Governor shall prescribe the terms and manner of such election ;

3. In case of any doubt or dispute as to the legality of the election of any member of the Council, it shall be lawful for the council to hold an enquiry and decide who is the legally elected member of the council ; and such person shall be and be deemed to be the member legally elected ; and if such election shall be found to have been illegal the council shall have power to order a new election.

Disputed elections, how dealt with.

**13.** The said newly elected members of the council, as well as all the members of the council to be hereafter elected, shall, together with the members to be appointed by the several colleges and bodies as mentioned in section eight of this Act, hold their first meeting at such time and place as may be fixed by by-law of the council.

The first meeting of the council

**14.** The persons entitled to vote under this Act at any election shall be all duly registered practitioners ;

Persons entitled to vote.

2. Any member of the College of Physicians and Surgeons of Ontario may have his name transferred from one class of voters to any other class on his presenting to the registrar a certificate duly signed by such member or members of the board of examiners appointed by the council to examine candidates on the subjects specified in the said Act, as peculiar to each school of medicine, testifying that the member so applying to have his name so transferred has shown a sufficient knowledge of the system of medicine he desires to connect himself with, to entitle him to be admitted to the classification he desires, and being so admitted he shall be entitled to vote in that class only : Provided always that no member shall be entitled to return to the class from which he has been so transferred without the sanction of the council ; but no member shall at any time be entitled to vote in more than one class of the voters who, in accordance with the provisions of this Act, vote in the election of the members of the council ; and there shall be payable to the registrar for such transfer the same charge as is usual for the registration of an additional qualification, namely two dollars.

Transfer to different voters' list.

**15.** The council shall hold its first meeting under this Act in Toronto, and at such time and place as the president of the council or, in case of his absence or death, the registrar for the time being shall appoint therefor, and shall make such rules and regulations as to the times and places of subsequent meetings of the council, and the mode of summoning the same, as to them shall seem expedient ; which rules and regulations shall remain in force till altered at any subsequent meeting ; and in the absence of any rule or regulation as to the summoning of future meetings of the council it shall be lawful for the president thereof or, in the event of his absence or death, for the registrar to summon the same at such time and place as to him shall seem fit, by circular letter to be mailed to each member : Provided always,

Where and when meetings of council to be held.

always, that at least two weeks' notice of such meeting be given ; and in the event of the absence of the president from any meeting, the vice-president or, in his absence, some other member to be chosen from among the members present shall act as president ; and all the acts of the council shall be decided by the majority of the members present, not being less than nine in number ; and at all meetings the president for the time being shall have a casting vote only.

Payment to members of the council.

**16.** There shall be paid to the members of the council such fees for attendance, and such reasonable travelling expenses, as shall from time to time be fixed by by-law passed by the said council.

Appointment of officers.

**17.** The council shall annually appoint a president, vice-president, registrar, treasurer, and such other officers as may from time to time be necessary for the working of this Act, who shall hold office during the pleasure of the council ; and the said council shall have power to fix by by-law, or from time to time, the salary or fees to be paid to such officers, and to the board of examiners hereinafter appointed ;

Salaries.

Executive committee

**2.** The council shall appoint annually from among its members an "executive committee," to take cognizance of and action upon all such matters as may be delegated to it by the council or such as may require immediate interference or attention between the adjournment of the council and its next meeting ; and all such acts shall be valid only till the next ensuing meeting of the council : Provided that such committee shall have no power to alter, repeal or suspend any by-law of the council.

Territorial division medical association

**18.** In each of the territorial divisions described in schedule C. of this Act there may be established a "Territorial Division Medical Association," which may be briefly called "The Division Association" of such division ; every member of the College of Physicians and Surgeons of Ontario, resident within the said territorial division, shall be a member ; and the representative in the council shall be "*ex officio*" chairman of such division association ;

Tariff of fees.

**2.** The said division association may from time to time submit to the council a tariff or tariffs of professional fees, suitable to their division, or to separate portions of their division ; and upon the said tariff or tariffs of fees receiving the approval of the council, signified by the seal of the college and by the signature of the president thereof, being appended thereto, such tariff or tariffs shall be held to be a "scale of reasonable charges" within the meaning of section number thirty of this Act for the division or section of a division where the member making a the charge resides.

#### *Medical Registration.*

Registration.

**19.** The council shall cause to be kept by an officer appointed by them, and to be called the "Registrar," a book or register, in

in which shall be entered the name of every person registered according to the provisions of the Act passed in the twenty-ninth year of the reign of her said Majesty, and chaptered thirty-four, and the provisions of the Act, passed in the thirty-second year of the reign of her said Majesty, and chaptered forty-five, and the Acts amending the same; and from time to time the names of all persons who have complied with the enactments hereinafter contained, and with the rules and regulations made or to be made by the council respecting the qualifications to be required from practitioners of medicine, surgery and midwifery in this Province; and those persons only whose names have been or shall hereafter be inscribed on the book or register above mentioned, shall be deemed to be qualified and licensed to practise medicine, surgery or midwifery in the Province of Ontario, except as hereinafter provided; and such book or register shall at all times be open, and subject to inspection by any duly registered practitioner in Ontario, or by any other person.

**20.** It shall be the duty of the registrar to keep his register correct, in accordance with the provisions of this Act, and the rules, orders and regulations of the council, and he shall from time to time make the necessary alterations in the addresses or qualifications of the persons registered under this Act; and the said Registrar shall perform such other duties as shall be imposed upon him by the council.

*Duty of Registrar.*

**21.** Every person who possesses any one or more of the qualifications described in schedule A. to this Act, dated prior to the twenty-third day of July, one thousand eight hundred and seventy, shall, on payment of a fee to be fixed by by-law of the council, not exceeding ten dollars, be entitled to be registered, on producing to the Registrar the document conferring or evidencing the qualification or each of the qualifications in respect whereof he seeks to be so registered, or upon transmitting by post to the registrar information of his name and address, and evidence of the qualification or qualifications in respect whereof he seeks to be registered, and of the time or times at which the same was or were respectively attained: Provided also that no one registered under the Acts first above mentioned shall be liable to pay any fee for being registered under this Act.

*Qualification for, and mode of registry.*

*Proviso.*

**22.** Every person desirous of being registered under the provisions of this Act, and who shall not have become possessed of any one of the qualifications in the said schedule A. mentioned before the twenty-third day of July, one thousand eight hundred and seventy, shall, before being entitled to registration, present himself for examination as to his knowledge and skill for the efficient practice of his profession, before the board of examiners, in the next section mentioned; and upon passing the examination required, and proving to the satisfaction of the board

*Examination before registration, when necessary.*



Registration  
of persons  
from other  
Provinces of  
the Dominion.

As to registra-  
tion of persons  
from Great  
Britain and  
Ireland.

Person in  
practice before  
1850.

Homœopathic  
in practice  
before 1850.

Annual assess-  
ment.

Board of  
Examiners.

board of examiners that he has complied with the rules and regulations made by the council, and on the payment of such fees as the council may by general by-law establish, such person shall be entitled to be registered, and in virtue of such registration to practise medicine, surgery and midwifery in the Province of Ontario; Provided always, that when and as soon as it shall appear that there has been established a "Central Examining Board," similar to that constituted by this Act, or an institution duly recognised by the Legislature of any of the Provinces forming the Dominion of Canada, other than Ontario, as the sole examining body for the purpose of granting certificates of qualification, and wherein the curriculum shall be equal to that established in Ontario; and the holder of such certificate shall upon due proof be entitled to registration by the council of Ontario, if the same privilege be accorded by such examining board or institution to those holding certificates in Ontario: Provided also, that it shall be optional for the council to admit to registration all such persons as are duly registered in the medical register of Great Britain, or are otherwise authorised to practise physic, surgery and midwifery in the United Kingdom of Great Britain and Ireland, upon such terms as the council may deem expedient:

2. Any person who was actually practising medicine, surgery or midwifery, or any of them in Ontario, prior to the first of January, one thousand eight hundred and fifty, and who shall have attended one course of lectures at any recognised medical school, shall, upon such proof as the council may require, be entitled to registration under this Act;

3. Any person who was actually practising medicine, surgery or midwifery according to the principles of homœopathy or the eclectic system of medicine, before the first day of January, one thousand eight hundred and fifty, and for the last six years in Ontario, may in the discretion of the representatives of the homœopathic or eclectic system of medicine respectively be admitted to registration under this Act;

4. Each member of the college shall pay to the Registrar or to any person deputed by the Registrar to receive it, on or before the first day of May next, a fee of one dollar, and in any year thereafter such annual fee as may be determined by by-law of the council not less than one nor more than two dollars, towards the general expenses of the college, which last mentioned fee shall be payable on the first day of January in any year the same may be imposed; and such fee shall be deemed to be a debt due by the member to the college, and be recoverable with costs of suit in the name of the Collège of Physicians and Surgeons of Ontario, in the division court where the member resides

**23.** At the first regular meeting of the council after the passing of this Act, and at the annual meeting in each year there after, there shall be elected by the members of the said council a "Board of Examiners," whose duty it shall be at least once in

in each year to examine all candidates for registration in accordance with the by-laws, rules and regulations of the council; such examinations to be held at Toronto or Kingston at such times and in such manner as the council shall by by-law direct.

Place of examination.

**24.** The Board of Examiners appointed under the preceding section, shall be composed as follows : One member from each of the four teaching bodies now existing in Ontario, and one from every other School of Medicine which may be hereafter organized in connection with any University or College which is empowered by law to grant medical or surgical diplomas ; and a number not exceeding five members to be chosen from among those members of the College of Physicians and Surgeons of Ontario, who are unconnected with any of the above teaching bodies : Provided always, that every candidate who shall, at the time of his examination, signify his wish to be registered as a Homœopathic or Eclectic practitioner, shall not be required to pass an examination in either *Materia Medica* or *Therapeutics*, or in the *Theory* or *Practice of Physic*, or in *Surgery* or *Midwifery*, except the operative practical parts thereof, before any examiners other than those approved of by the representatives in the council of the body to which he shall signify his wish to belong.

Examiners, how appointed.

Examination of Homœopaths.

**25.** The council shall from time to time as occasion may require, make orders, regulations, or by-laws for regulating the registers to be kept under this Act, and the fees to be paid for registration, and shall from time to time make rules and regulations for the guidance of the board of examiners, and may prescribe the subjects and modes of the examinations, the time and place of holding the same, and generally may make all such rules and regulations in respect of such examinations not contrary to the provisions of this Act, as they may deem expedient and necessary.

Power of Council to make rules, &c.

**26.** Any person entitled to be registered under this Act, but who shall neglect or omit to be so registered, within six months after the passing of this Act, shall not be entitled to any of the rights or privileges conferred by registration under the provisions of this Act, so long as such neglect or omission continues, and he shall be liable to all the penalties imposed by this Act, or by any other Act which may now be in force against unqualified or unregistered practitioners.

Those entitled to register and neglecting to do so.

**27.** If the registrar make or cause to be made any wilful falsification in any matter relating to the register, he shall incur a penalty of fifty dollars, and shall be disqualified from again holding that position.

Penalty on registrar for falsification.

### *Medical Education.*

**28.** Every person registered under this Act who may have obtained any higher degree or any qualification other than the qualification

Additional qualification or degree.

qualification in respect of which he may have been registered, shall be entitled to have such higher degree or additional qualification inserted in the register in substitution for, or in addition to, the qualification previously registered, on the payment of such fee as the council may appoint.

Registrar to be satisfied as to qualification.

Appeal to the council.

**29.** No qualification shall be entered on the register either on the first registration or by way of addition to a registered name unless the registrar be satisfied by proper evidence that the person claiming is entitled to it; and any appeal from the decision of the registrar may be decided by the council, and any entry which shall be proved to the satisfaction of the council to have been fraudulently or incorrectly made, may be erased from the register by an order in the writing of the council: Provided always, that in the event of the registrar being dissatisfied with the evidence adduced by the person claiming to be registered, he shall have the power, subject to an appeal to the council, of refusing the said registration until the person claiming to be registered shall have furnished such evidence duly attested by oath or affirmation, before the judge of the county court of any county in Ontario.

Rights of registered persons.

**30.** Every person who shall be registered under the provisions of this Act, shall be entitled according to his qualification or qualifications to practise medicine, surgery or midwifery, or any of them, as the case may be, in the Province of Ontario, and to demand and recover in any court of law, with full costs of suit, "reasonable charges" for professional aid, advice and visits, and the cost of any medicine or other medical or surgical appliances rendered or supplied by him to his patients.

Register to be printed and published.

**31.** The registrar of the council shall from time to time under the direction of the council, cause to be printed and published a correct register of the names in alphabetical order according to the surnames, with the respective residences in the form set forth in schedule B. to this Act, or to the like effect, together with the medical titles, diplomas and qualifications conferred by any college or body, with the dates thereof, of all persons appearing on the register as existing on the day of publication; and such register shall be called "The Ontario Medical Register;" and a copy of such register for the time being purporting to be so printed and published as aforesaid, shall be *prima facie* evidence in all courts and before all justices of the peace and others, that the persons therein specified are registered according to the provisions of this Act, and the absence of the name of any person from such copy shall be *prima facie* evidence that such person is not registered according to the provisions of this Act: Provided always, that in the case of any person whose name does not appear in such copy, a certified copy under the hand of the registrar of the council of the entry of the name of such person on the register, shall be evidence that such person is registered under the provisions of this Act.

Register to be "prima facie" evidence in all courts.



**32.** The council shall have power and authority to appoint an examiner or examiners for the admission of all students to the matriculation or preliminary examination, and to make by-laws and regulations for determining the admission and enrolment of students : Provided always that any change in the curriculum of studies fixed by the council shall not come into effect until one year after such change is made ;

Matriculation  
examiners.

2. Until a Homœopathic Medical College for teaching purposes shall have been established in Ontario, candidates wishing to be registered as Homœopathists, shall pass the matriculation examination established by this Act, as the preliminary examination for all students in medicine, and shall present evidence of having spent the full period of study required by the curriculum of the council, under the supervision of a duly registered Homœopathic practitioner : Provided that, for a period of four years from the passing of this Act, such Homœopathic students may pass their matriculation examination at any time prior to the passing of their professional examination. Such candidates must also have complied with the full curriculum of studies, prescribed from time to time by the council for all medical students, but the full time of attendance upon lectures and hospitals required by the curriculum of the council may be spent in such Homœopathic Medical Colleges in the United States or Europe as shall be recognized by a majority of the Homœopathic members of the Council, provided that in all Homœopathic Colleges, where the winter course of lectures is of only four months duration, that certified tickets of attendance on one such course shall be held to be equivalent to two-thirds of one six months course, as required by the council; and when such teaching body shall have been established in Ontario, it shall be optional for such candidates to pursue in part or in full the required curriculum in Ontario ;

Homœopa-  
thists.

3. The council shall from time to time as it may deem expedient, enact by-laws as to the terms upon which it will receive the matriculation, and other certificates of colleges and other institutions not in the Province of Ontario ;

Council to  
make by-laws.

4. Any graduate or any student having matriculated in arts in any university in Her Majesty's dominions, shall not be required to pass the preliminary examination.

Graduates and  
matriculants  
of universities  
in Her Majes-  
ty's dominions.

**33.** The council shall have power and authority to fix and determine from time to time a curriculum of studies to be pursued by the students, and such curriculum of studies shall be observed and taught by all colleges referred to in section eight of this Act.

Curriculum of  
studies.

#### *Penal and General Clauses.*

**34.** Any registered medical practitioner who shall have been convicted of any felony in any court shall thereby forfeit his right to registration, and by the direction of the council his name shall be erased from the register, or in case of a person known

Registered  
practitioner  
guilty of  
felony.

known to have been convicted of felony, who shall present himself for registration, the registrar shall have power to refuse such registration.

None entitled to recover charges unless registered.

**35.** No person shall be entitled to recover any charge in any court of law for any medical or surgical advice, or for attendance, or for the performance of any operation, or for any medicine which he shall have prescribed or supplied, unless he is registered under this Act: Provided this clause shall not extend to the sale of any drug or medicine by any duly licensed chemist or druggist.

Meaning of certain words.

**36.** The words "legally qualified medical practitioner," or "duly qualified medical practitioner," or any other words importing legal recognition of any person as a medical practitioner or member of the medical profession, when used in any Act or law, shall, in so far as such Act or law applies to this Province, be construed to mean a person registered under this Act.

Public appointments only conferred on registered persons.

**37.** No person shall be appointed as medical officer, physician or surgeon in any branch of the public service of the Province of Ontario, or in any hospital or other charitable institution not supported wholly by voluntary contributions, unless he is registered under the provisions of this Act.

Certificates of unregistered persons invalid.

**38.** No certificate required by any Act now in force, or that may hereafter be passed, from any physician or surgeon or medical practitioner, shall be valid unless the person signing the same shall be registered under this Act.

Penalty for false registration.

**39.** If any person shall procure or cause to be procured his registration under this Act, by means of any false or fraudulent representation or declaration, either verbally or in writing, it shall be lawful for the registrar, upon the receipt of sufficient evidence of the falsity or fraudulent character of said representation or declaration, to represent the matter to the council, and upon the written order of the president, attested by the seal of the college, to erase the name of such person from the register, and to make known the fact and cause of such erasure by notice to be published in the *Ontario Gazette*; and after such notice has appeared the person whose name has been erased as aforesaid shall cease to be a member of the College of Physicians and Surgeons of Ontario, and shall cease to enjoy any of the privileges conferred by registration under this Act at any future time, without the express sanction of the council. If any person shall wilfully procure or attempt to procure himself to be registered under this Act, by making any false or fraudulent representation or declaration, either verbally or in writing, every person so offending shall on conviction thereof before any justice of the peace incur a penalty not exceeding one hundred dollars, and every person knowingly aiding and assisting him therein shall on conviction thereof incur a penalty of not less than twenty nor more than fifty dollars for each such offence.

40. It shall not be lawful for any person not registered to practise physic, surgery or midwifery in the Province of Ontario for hire, gain or hope of reward; and if any person not registered under this Act shall for hire, gain or hope of reward practise or profess to practise physic, surgery or midwifery, or advertise to give advice in physic, surgery or midwifery in the Province of Ontario, he shall upon a summary conviction thereof before any justice of the peace, for any and every such offence, pay a penalty not exceeding one hundred dollars nor less than twenty-five dollars;

Penalty for practising without registrar's

2. Any person who shall wilfully or falsely pretend to be a physician, doctor of medicine, surgeon, or general practitioner, or shall assume any title, addition or description other than he actually possesses and is legally entitled to, shall be liable on conviction thereof before a justice of the peace to a penalty not exceeding fifty dollars, nor less than ten dollars;

Penalty for falsely pretending, etc.

3. Any person not registered under this Act who shall take or use any name, title, addition or description implying or calculated to lead people to infer that he is registered under this Act, or that he is recognized by law as a physician, surgeon, accoucheur, or a licentiate in medicine, surgery or midwifery, shall be liable upon a summary conviction thereof before any justice of the peace to pay any penalty not exceeding one hundred dollars, nor less than twenty-five dollars;

Penalty for using title inferring registration.

4. In any trial under this Act the burden of proof as to registration shall be upon the person charged;

The "onus probandi" where to be.

5. All prosecutions under this Act may be brought or heard before any one or more of Her Majesty's justices of the peace having jurisdiction where any such offence has been committed; and such justice or justices shall have power to award payment of costs in addition to the penalty; and in case the penalty and costs awarded by him or them be not upon conviction forthwith paid, to commit the offender to the common gaol, there to be imprisoned for any term not exceeding one month, unless the penalty and costs be sooner paid;

Where prosecution may be brought.

6. Any person convicted under this Act who shall give notice of appeal against the decision of the convicting justice, shall be required before being released from custody to give to said justice satisfactory security for the amount of the penalty, costs of conviction and appeal.

Notice of appeal, how dealt with.

41. All penalties recoverable under this Act shall be paid to the convicting justice and by him paid to the registrar of the college, and shall form part of the funds thereof: any person may be prosecutor or complainant under this Act; and the council may allot such portion of the penalties recovered as may be expedient towards the payment of such prosecutor: Provided always, that every prosecution under this Act shall be commenced within one year from the date of the alleged offence; and it is hereby provided that it shall be lawful for the council, by an order signed by the president having the seal of the college appended thereto, to stay proceedings in any prosecution under this Act where it may be deemed expedient.

To whom penalties paid.

Prosecutions.



Evidence of  
registry and  
signature of  
registrar.

**42.** In all cases where proof of registration under this Act is required to be made, the production of a printed or other copy of the register, certified under the hand of the registrar of the council for the time being shall be sufficient evidence of all persons who are registered practitioners, in lieu of the production of the original register; and any certificate upon such printed or other copy of the register, purporting to be signed by any person in his capacity of registrar of the council under this Act shall be *prima facie* evidence that such person is such registrar without any proof of his signature or of his being in fact such registrar.

Prosecutions  
under the Act.

**43.** All prosecutions against any one acting in contravention of the provisions of this Act, shall take place in accordance with the "Summary Proceedings Act;" and all money forming part of the council funds shall be paid to the treasurer, and may be applied to carry this Act into execution.

#### SCHEDULE A.

1. License to practise physic, surgery, and midwifery, or either, within Upper Canada, granted under the Acts of Upper Canada, fifty-nine George the Third, chapter thirteen, and eight George the Fourth, chapter three, respectively.

2. License or diploma granted under the second Victoria, chapter thirty-eight, or under the Consolidated Statutes for Upper Canada, chapter forty, or any Act amending the same.

3. License or authorization to practise physic, surgery and midwifery, or either, within Lower Canada, whether granted under the Ordinance twenty-eight George the Third, chapter eight, or under the Act ten and eleven Victoria, chapter twenty-six, and the Acts amending the same, or under chapter seventy-one of the Consolidated Statutes for Lower Canada, or any Act amending the same.

4. Certificate of qualification to practise medicine, surgery and midwifery, or either, hereafter to be granted by any of the colleges or bodies named or referred to in section eight of this Act.

5. Medical or surgical degree or diploma of any university or college in Her Majesty's dominions, or of such other universities or colleges as the council may determine.

6. Certificate of registration under the Imperial Act, twenty-one and twenty-two Victoria, chapter ninety, known as the "Medical Act," or any Act amending the same.

7. Commission or warrant as physician or surgeon in Her Majesty's naval or military service.

8. Certificates of qualification to practise under any of the Acts relating to Homœopathy or the Eclectic system of medicine.

## SCHEDULE B.

NAME.	Residence.	Qualifications and additions.
A. B.	Toronto, County of York .....	M.A., M.D., Toronto University.
C. D.	Kingston, County of Frontenac .....	M.A., M.D., Queen's University.
E. F.	Etobicoke, County of York .....	Licentiate, Medical Board.
G. H.	Toronto .....	do. Toronto School Medicine.

## SCHEDULE C.

1. Western and St. Clair Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

2. Malahide and Tecumseth Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

3. Saugeen and Brock Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

4. Gore and Thames Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

5. Erie and Niagara Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

6. Burlington and Home Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

7. Midland and York Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

8. King's and Queen's Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

9. Newcastle and Trent Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

10. Quinté and Cataraqui Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

11. Bathurst and Rideau Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

12. St. Lawrence and Eastern Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

## CAP. XXXI.

An Act respecting public aid towards making Gaol additions and alterations.

[Assented to 24th March, 1874.]

### Preamble

WHEREAS it was by the twenty-first section of the "Prison and Asylum Inspection Act" of the late Province of Canada, being chapter one hundred and ten of the Consolidated Statutes of Canada provided, that in order to aid the County Councils in Upper Canada in making the alterations and additions prescribed in the said Act, in the gaols of their respective counties, that the Governor of the Province of Canada might pay from out of the Upper Canada Building Fund, to the treasurer of each county, a sum not exceeding one half of the expense of the same, and not exceeding the sum of six thousand dollars for any one county; And whereas by an Act passed in the thirty-first year of Her Majesty's reign, and chaptered seven, the said Prison and Asylum Inspection Act was repealed; And whereas, previous to the repeal of the said recited section, various County Councils in Ontario were aided under the provisions thereof; And whereas other county councils which have not been so aided, have made alterations and additions in their gaols, in order to meet the requirements of the said Act, and of the "Prison and Asylum Inspection Act" of Ontario, and alterations and additions are required by other gaols in this Province, in counties which have not received aid under the said section, and it is desirable to revive the said section in order to place the various counties in Ontario on an equal footing:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Aid to County Councils for alterations to gaols.

1. In order to aid the County Councils in Ontario in making the alterations and additions required by law in the gaols of their respective counties, the Lieutenant-Governor in Council may, by Order in Council, direct that out of the Consolidated



Consolidated Revenue Fund of Ontario, there shall be paid to the treasurer of each such county, which has not been aided under the said the "Prison and Asylum Inspection Act" of the late Province of Canada, a sum not exceeding one-half of the expense of making such alterations or additions, and not exceeding the sum of six thousand dollars for any one county.

2. The preceding section shall be construed as if the same had been on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and sixty-eight, that being the date of the repeal as aforesaid of said section twenty-one of chapter one hundred and ten of the Consolidated Statutes of Canada, passed to take effect in lieu of the said section so repealed; but every such order in council made under said preceding section shall, as soon as conveniently may be, after the making thereof, be laid before the Legislative Assembly for its ratification or rejection, and no such order shall be operative unless and until the same shall have been ratified by a resolution of said Legislative Assembly.

Construction  
of preceding  
section.

Orders in  
Council to be  
submitted to  
the Legislative  
Assembly.

## CAP. XXXII.

### An Act to Amend and Consolidate the Law for the Sale of Fermented or Spirituous Liquors.

[Assented to 24th March, 1874.]

WHEREAS it is expedient to amend and consolidate the Act passed in the thirty-second year of Her Majesty's reign, intituled "An Act respecting Tavern and Shop Licenses," and the Act passed in the thirty-third year of the same reign, amending the same, and the Act passed in the thirty-sixth year of the same reign, intituled "An Act to amend the Acts respecting Tavern and Shop Licenses":

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### INTERPRETATION.

1. In this Act the word "liquors" or "liquor" shall be understood to mean and comprehend all spirituous and malt liquors, and all combinations of liquors and drinks and drinkable liquids which are intoxicating.

Meaning of  
words "li-  
quors" and  
"liquor."

#### LICENSES.

2. A "tavern license" shall be construed to mean a license for selling, bartering or trafficking by retail in fermented, spirituous

Meaning of  
words "tavern  
license."  
or

or other liquors, in quantities of less than one quart, which may be drunk in the inn, ale or beer-house, or other house of public entertainment in which the same liquor is sold.

Meaning of words "shop license."

3. A "shop license" shall be construed to mean a license for selling, bartering, or trafficking by retail in such liquors in shops, stores, or places other than inns, ale or beer-houses, or other houses of public entertainment, in quantities not less than three half-pints, at any one time, to any one person, and at the time of sale to be wholly removed and taken away, in quantities not less than three half-pints at a time.

Meaning of words "license by wholesale."

4. A "license by wholesale" shall be construed to mean a license for selling, bartering, or trafficking by wholesale only in such liquors in warehouses, stores, shops, or places other than inns, ale or beer-houses, or other houses of public entertainment, in quantities not less than five gallons in each cask or vessel, at any one time; and in any case where such selling by wholesale is in respect of bottled ale, porter, beer, wine or other fermented or spirituous liquor, each such sale shall be in quantities not less than one dozen bottles of at least three half-pints each, or two dozen bottles of at least three-fourths of one pint each, at any one time.

Liquor in bottles

#### ISSUE OF LICENSES.

Issue of licenses.

5. It shall be lawful for the Lieutenant-Governor in Council to direct the issue of licenses on stamped paper, written or printed, or partly written and partly printed, of the several kinds hereinbefore mentioned; which said licenses shall be signed by the Treasurer of this Province, and dated as of the first day of March in each year, and shall thence continue in force for one year until the first day of March in the next ensuing year, and no longer: Provided that tavern and shop licenses may be issued between the first and fifteenth days of March in each year; and licenses by wholesale may be issued between the first and last days of March in each year; and all such licenses shall be deemed to have been issued on the said first day of March.

Issuer of licenses to be appointed, his duty.

6. The Lieutenant-Governor may, from time to time, appoint to hold office during pleasure one fit and proper person, other than the Inspector of Licenses, in each county, city, riding or municipality, to be called "Issuer of Licenses," whose duty it shall be to issue licenses for the county, city, riding or municipality for which he shall be appointed, and who shall countersign every license issued by him, and shall state thereon the date of such countersigning; and every such license shall take effect in favour of the applicant therefor from the time of such countersigning, and not before.

Remuneration for services.

7. For his services in the last preceding section mentioned, the said Issuer of licenses shall be entitled to retain out of the moneys received by him for licenses the sum of six per centum, and

and the residue thereof he shall pay to the Treasurer of Ontario, in such manner as the said Treasurer shall, from time to time, direct.

8. Every license shall be issued by the issuer of licenses for the county, city, riding or municipality in which the tavern, shop, warehouse or other place to which the license is to apply shall be situate, except in the case of licenses for vessels, which may be issued by any issuer of licenses without any certificate or any of the terms, conditions or formalities required in other cases: Provided always, that all licenses shall be constantly and conspicuously exposed in the warehouses, shops or in the bar-room of taverns, inns, ale-houses, beer-houses, or other places of public entertainment, and in the bar-saloon or bar-cabin of vessels, under a penalty of five dollars for every day's wilful or negligent omission so to do, to be recovered with costs from the merchant, shopkeeper or tavern, inn, ale-house or beer-house keeper, or keeper of any other place of public entertainment, or master, captain, or owner of the vessel so making default.

Licenses, how issued.

Vessel licenses

Licenses to be kept exposed.

Penalty on non-exposure.

9. In the respective municipalities in which the sale of intoxicating liquors and the issue of licenses therefor is not prohibited, under the provisions of The Temperance Act of 1864, it shall be the duty of the council of the township, town and incorporated village, and of the commissioners of police in cities to pass by-laws in the month of February in each and every year, and which shall not be altered or repealed during the year from the first day of March following :

Council and police commissioners may make by-laws.

1. For defining the conditions and qualifications requisite for granting certificates to obtain tavern licenses for the retail, within the municipality, of spirituous, fermented or other manufactured liquors, and also shop licenses for the sale, by retail, within the municipality, of such liquors in shops, or places other than taverns, inns, ale-houses, beer-houses or places of public entertainment ;

For granting tavern and shop license certificates.

2. For declaring the terms and conditions required to be complied with by an applicant for a tavern license, and the security to be given by him for observing the same ;

Terms and conditions.

3. For declaring the security to be given by an applicant for a shop license, for observing the by-laws of the municipality ;

Security.

4. For limiting the number of tavern and shop licenses respectively, and for defining the respective times and localities within which and the persons to whom such limited number may be issued within the year, from the first day of March of one year till the first day of March of the next year ;

Limiting number of licenses, &c.

5. For declaring that in cities a number not exceeding ten persons, and in towns a number not exceeding four persons, qualified to have a tavern license, may be exempted from the necessity of having all the tavern accommodation required by law ;

Exemption from having accommodation.

6. For regulating the taverns and shops to be licensed ;

7. For determining the sums to be paid to the municipality in respect of taverns and shop licenses respectively ;

Determining fee for licenses.



Appointment  
of inspectors ;

their duties  
and remunera-  
tion.

Certificate of  
number of li-  
censes issuable  
to be furnished  
to issuer.

Penalty for  
neglect.

Issuer not to  
issue a greater  
number.

Accommoda-  
tion required.

No certificate  
to be granted  
except upon  
petition and  
report thereon.

8. For appointing annually one or more fit and proper persons other than any issuer of licenses, to be inspector or inspectors of licenses; and or filling any vacancy in such office ;

9. For fixing and defining the duties, powers and privileges of the inspector or inspectors so appointed ; the remuneration he or they shall receive ; and the security to be given for the efficient discharge of the duties of the office of inspector.

10. The clerk of every township, incorporated village and town, and the police commissioners in every city shall, on or before the last day of February in each year, deliver to the issuer of licenses for the county, city, riding or municipality in which such municipality is situate, a certificate under his or their hand, stating and showing the number of tavern and shop licenses which are authorized by the by-law in that behalf to be issued for the then next ensuing year, and the respective times and localities within which and the persons to whom such number may be issued ; and any such clerk or police commissioners neglecting, omitting or refusing to deliver such certificate by the time aforesaid, shall incur a penalty of not less than forty dollars, nor more than one hundred dollars.

11. The issuer of licenses for each county, city, riding or municipality, as the case may be, shall not issue a greater number of tavern and shop licenses in any county, city, riding or municipality, than is named in such certificate or certificates, as the case may be, and only at the respective times, and for the localities within which and the persons to whom such number may be issued.

#### OBTAINING LICENSES.

12. Every tavern and inn, authorized to be licensed under the provisions of this Act, shall contain, and during the continuance of the license shall continue to contain, in addition to what may be needed for the use of the family of the tavern or inn-keeper, not less than four bed-rooms, together with, in every case, a suitable complement of bedding and furniture, and (except in cities and incorporated towns) there shall also be attached to the said tavern, or inn, proper stabling for at least six horses ; but the foregoing requirements shall not apply to such taverns as are licensed under the fifth sub-section of section nine of this Act ; and, excepting in townships, such tavern or inn shall form no part of, and shall not communicate by any entrance with any shop or store wherein goods or merchandize known as groceries or provisions are kept for sale.

13. A certificate for a license to sell spirituous, fermented or other manufactured liquors, by retail, in any tavern, ale-house, beer-house, place of public entertainment or shop, shall not be granted to any applicant, except upon petition by the applicant to the council of the township, town, or incorporated village, and to the commissioners of police in cities in which  
the

the license is to have effect, praying for the same ; nor until the inspector, to be appointed as aforesaid, shall have reported in writing to the police commissioners, or to the clerk of the municipal council (as the case may be), that the applicant is a fit and proper person to have a license, and has all the accommodation required by law : and every such report shall be duly filed by the police commissioners or municipal clerk respectively, and shall remain open to the inspection of any ratepayer of the municipality or of any provincial officer ; and the inspector shall not report in favor of any applicant other than the true owner of the business of the tavern or shop proposed to be licensed.

Report to be  
filed.

**14.** It shall be the duty of the commissioners of police in cities, of the mayor and clerk in towns, and reeve and clerk in townships and incorporated villages, respectively, upon application of any person requiring a tavern or shop license, if it shall appear that such applicant is the true owner of the business of such tavern or shop and has complied with the requirements of the law, and of the by-laws and regulations in force in the municipality in that behalf, and is one of the persons designated in such by-law as entitled thereto, or is otherwise approved by the police commissioners or council of the municipality, as the case may be, to grant such applicant a certificate under his or their hand, stating that he is entitled to a license for a certain time, and for a certain tavern, inn, house or place of public entertainment, or shop within the municipality to be mentioned in such certificate ; and the said applicant shall forthwith take the said certificate to the issuer of licenses for the municipality within which the said license is to have effect, and, on presentation thereof to the said issuer of licenses, and payment to him of the Provincial duty thereon, the said issuer of licenses shall issue to such applicant a license : Provided always, that the said license shall be invalid, inoperative and of no effect until the said applicant shall have paid to the treasurer of the said municipality the sum also made payable therefor to the said municipality in manner in this Act provided, for the use of the said municipality, and shall have obtained a receipt for such payment, signed by the said treasurer, and endorsed on the said license ; and it shall be the duty of the said treasurer, on payment or tender to him of the money last aforesaid and the said license, to fill up and sign such receipt : Provided always further, that it shall not be lawful to grant any certificate for a license, or any certificate whatsoever, whereby any person can obtain or procure any license for the sale of spirituous, fermented or intoxicating liquors, on the days of the exhibition of the Agricultural Association of Ontario, or of any county, electoral division, or township agricultural society exhibition, either on the grounds of such society, or within the distance of three hundred yards from such grounds.

Cases in which  
certificates  
may be  
granted.

Mode of procedure for obtaining tavern licenses.

Proviso as to its not being granted for certain times and places.

**15.** The issuer of licenses for the municipality in which the license applied for is to have effect shall issue to any applicant upon a requisition therefor signed by him, and after payment

Issue of licenses by wholesale.

to

Proviso as to  
fee to treasurer  
of municipi-  
pality.

to the issuer of the Provincial duty thereon, a license for selling fermented, spirituous or other liquors by wholesale only in his warehouse, store, shop or place to be defined in said license, and situate within the said municipality, and which license shall be deemed "a license by wholesale" within the meaning and subject to the provisions of the fourth section of this Act: Provided always that the said license shall be invalid, inoperative and of no effect until the said applicant shall have further paid to the treasurer of the municipality in which the said license is intended to take effect, the sum of fifty dollars, for the use of such municipality, and shall have obtained a receipt for such payment signed by the said treasurer and endorsed on the said license, and it shall be the duty of the said treasurer on payment or tender to him of the money last aforesaid, and the said license to fill up and sign such receipt.

\* Licenses to be  
such for pur-  
poses of Pro-  
vincial duty,  
etc.

**16.** Every license issued under this Act shall be a license for the purpose of the Provincial duty, as well as for the sum to be payable to the municipality therefor; and the sum paid for the license, over and above the Provincial duty, shall be applied to the use of the municipality within which is situate the tavern, inn, ale-house, beer-house, shop, warehouse, or other place in which such license is to have effect.

#### TRANSFER OF LICENSE.

Transfers of li-  
censes.

**17.** If any person having lawfully obtained a license under this Act before the expiration of his license dies, or sells, or by operation of law or otherwise assigns his said business, or removes from the house or place in respect of which the said license applies, such person, his assigns or legal representatives may, with the consent of the issuer of licenses for the municipality in which the said license has effect (such consent to be endorsed on said license) transfer such license to any other person who, under such transfer, may exercise the rights granted by such license, subject to all the duties and obligations of the original holder thereof, until the expiration thereof, in the house or place for which such license was issued and to which it applies, but in no other house or place: Provided always, that in every case of a tavern license, the person in whose favour any such transfer is to be made, shall first produce to the said issuer of licenses a certificate similar to that mentioned in the thirteenth section of this Act, and which certificate it shall be the duty of the respective official persons therein mentioned to grant: And Provided also, that such transfer shall be made within one month after the death, assignment or removal of the original holder of such license, and not afterwards.

Proviso.

Proviso.

Inspector of li-  
censes may  
consent to re-  
moval of  
tavern keeper

**18.** Any inspector of licenses may, in his discretion, but after resolution allowing the same of the municipal council or commissioners of police, as the case may be, having jurisdiction and subject to the approval of the issuer of licenses, endorse on any  
tavern



tavern or shop license permission to the holder thereof, or his assigns or legal representatives, to remove from the house to which his said license applies to another house to be described in an endorsement to be made by the said inspector on the said license, and situate within the same municipality, and possessing all the accommodation required by law; and such permission, when the approval of the said issuer is endorsed on the said license, shall authorize the holder of the said license to sell the same liquors in the house mentioned in the endorsement during the unexpired portion of the term for which the said license was granted, in the same manner, and upon the same terms and conditions; and any bond or security which such holder of a license may have given for any purpose relative to such license, shall apply to the house or place to which such removal is authorised, but such permission shall not entitle him to sell at any other than this one place.

#### REGULATIONS.

**19.** Every person who keeps a tavern, inn, ale-house, beer-house, or other house, or place of public entertainment, in respect of which a tavern license has duly issued and is in force, shall exhibit over the door of such tavern, inn, ale-house, beer-house, or other place of public entertainment, in large letters, the words "Licensed to sell wine, beer, and other spirituous or fermented liquors," and, in default thereof, shall be liable to a penalty of five dollars besides costs.

Tavern keepers to exhibit notice of being licensed.

**20.** No person having a shop license to sell by retail, shall allow any liquors sold by him, or in his possession, and for the sale of which a license is required, to be consumed within his shop, or within the building which such shop forms part of, or which communicates by any entrance with such shop, either by the purchaser thereof, or by any other person not usually resident within such building, under a penalty of twenty dollars besides costs.

Shop license not to authorize liquor sold to be consumed in the house.

**21.** No person having a license to sell by wholesale, shall allow any liquors sold by him or in his possession for sale, and for the sale or disposal of which such license is required, to be consumed within his warehouse or shop, or within any building which forms part of or is appurtenant to, or which communicates by any entrance with, any warehouse, shop or other premises wherein any article to be sold or disposed of under such license is sold by retail or wherein there is kept any broken packages of such articles.

Liquor not to be consumed on premises of persons having license by wholesale.

#### DUTIES PAYABLE.

**22.** Over and above the sum which may be imposed by municipalities, as by law provided, there shall be paid for each tavern license, to and for the use of Her Majesty (and forming part of the Consolidated Revenue Fund of this Province),

Fees for licenses.

vince), in cities, a duty of thirty dollars; in towns, of twenty-five dollars; and in townships and incorporated villages, of fifteen dollars; for vessels navigating the waters of this Province, of thirty dollars; for each shop license, by retail, in cities of thirty dollars, in towns of twenty-five dollars, and in townships and incorporated villages of fifteen dollars; for each license by wholesale of fifty dollars; for each tavern license in any territory not under municipal government, of fifty dollars; and for each shop license in any such territory, of forty dollars: Provided, that for each tavern license mentioned in section nine, sub-section five, the Provincial duty shall be thirty-five dollars.

Proviso.

By-laws for sums to be paid in addition to Provincial duty.

Proviso.

Certain by-laws to be approved by public vote, etc.

**23.** The sum to be paid for a tavern or shop license, in addition to the Provincial duty mentioned in the last preceding section, shall be such a sum as shall be fixed by by-law of the municipality passed by the proper authority in that behalf; and, including the Provincial duty, shall be, in cities, not less than eighty dollars for taverns and for shops; in towns, not less than sixty dollars for taverns and for shops; and in townships and incorporated villages, not less than thirty dollars for each tavern and shop license: Provided always that for each tavern license mentioned in section nine, sub-section five, the said sum in cities shall not be less than one hundred dollars, and in towns not less than eighty dollars; but no by-law, by which a greater sum than one hundred and thirty dollars per annum is intended to be exacted for any tavern or shop license, or for leave to exercise any other calling, or to do any other thing for which a license may be required, shall have any force or effect, unless the by-law, before the final passing thereof, shall have been duly approved by the electors of the municipality in the manner provided by the Municipal Act; and any by-law so passed shall not be varied or repealed unless the varying or repealing by-law shall have been, in like manner, submitted to and approved of by the electors of the said municipality.

#### PROHIBITIONS.

No person shall sell liquors without license.

**24.** No person shall sell by wholesale or retail any spirituous, fermented, or other manufactured liquors within the Province of Ontario without having first obtained a license under this Act authorizing him so to do: Provided that this section shall not apply to sales under legal process, or for distress, or sales by assignees in insolvency.

Persons not to keep spirituous, etc. liquors for sale unless licensed.

**25.** No person shall keep or have in any house, building, shop, eating-house, saloon, or house of public entertainment, or in any room or place whatsoever, any spirituous, fermented or other manufactured liquors for the purpose of selling, bartering, or trading therein, unless duly licensed thereto under the provisions of this Act.

**26.** The last two preceding sections shall not prevent any brewer, distiller, or other person duly licensed by the Government of Canada for the manufacture of fermented, spirituous, or other liquors, from keeping, having or selling any liquor manufactured by him in any building wherein such manufacture is carried on, and which building forms no part of and does not communicate by any entrance with any shop or premises wherein any article authorized to be manufactured under such license is sold by retail, or wherein is kept any broken packages of such articles: Provided that any such brewer, distiller or other person is further required to first obtain a license to sell by wholesale under this Act the liquor so manufactured by him, when sold for consumption within this Province, and under which license the said liquor may be sold by sample, or in original packages, in any municipality, as well as in that in which it is manufactured, but so that no such sale shall be in quantities less than those prescribed in section four of this Act.

Last two preceding sections not to apply to brewers, etc.

**27.** The said sections numbered twenty-four and twenty-five of this Act shall not prevent any chemist or druggist duly registered as such under and by virtue of the "Pharmacy Act of 1871," from keeping, having or selling liquors for strictly medicinal purposes, and then only in packages of not more than twelve ounces at any one time, except under certificate from a registered medical practitioner.

nor to chemists.

**28.** In all places where intoxicating liquors are, or may be, sold by wholesale or retail, no sale or other disposal of the said liquors shall take place therein, or on the premises thereof, or out of or from the same to any person or persons whomsoever from or after the hour of seven of the clock on Saturday night till six of the clock on Monday morning thereafter, and during any further time on the said days, and any hours or other days during which, by any statute in force in this Province, or by any by-law in force in the municipality wherein such place or places may be situated, the same, or the bar-room or bar-rooms thereof, ought to be kept closed, save and except in cases where a requisition for medical purposes, signed by a licensed medical practitioner, or by a justice of the peace, is produced by the vendee or his agent; nor shall any such liquor be permitted or allowed to be drunk in any such places during the time prohibited by this Act for the sale of the same.

All places where intoxicating liquors sold to be closed from seven o'clock on Saturday night till six o'clock on Monday morning.

Exception.

**29.** Where a license is issued, under this Act, to authorize the sale of liquors, upon any vessel navigating any river, lake, or water in this Province, no sale or other disposal of liquor shall take place thereon or therefrom, to be consumed by any person other than a passenger on the said vessel, whilst such vessel is at any port, pier, wharf, dock, mooring, or station; and in case any such sale or other disposal of liquor shall take place, the said license shall *ipso facto* be and become forfeited, and absolutely void, and the captain or master in charge of such vessel, and the owner

Sale of liquors from ships in port prohibited

Penalty.



owner or person navigating the same, as well as the person actually selling or disposing of liquor contrary to this section shall be severally and respectively liable to pay to the Crown, for the public uses of this Province, the sum of one hundred dollars ; and any person who may sell or dispose of any liquor contrary to the provisions of this section, shall also be liable to the same penalty and punishment therefor as are hereinafter prescribed in the thirty-fourth section of this Act.

#### PENALTIES.

Not lawful to take money for certificate, until license issued.

**30.** It shall not be lawful for the commissioners of police in cities, or any of them, nor for any member of any municipal council, nor for the clerk, treasurer, or any officer of such municipality, either directly or indirectly, to receive, take, or have any money whatsoever, for any certificate, matter or thing connected with, or relating to any license, or the sum to be therefor paid to the said municipality, or any part thereof, or to receive, take, or have any note, security or promise for the payment of any such money or any part thereof, from any person or persons whatsoever, until and after the said license shall have been issued by the issuer of licenses in the manner aforesaid ; and any person or persons guilty of, or concerned in, or a party to any act, matter or thing contrary to the provisions of this section, or of section fourteen of this Act, shall forfeit and pay to and for the use of Her Majesty a penalty of not less than fifty dollars, nor more than one hundred dollars, besides costs, for every such offence.

Penalty.

Penalty for issuing any certificates contrary to this Act.

**31.** Any member of a municipal corporation, or officer or other person who shall, contrary to the provisions of this Act, knowingly vote or issue, or cause or procure to be issued, a certificate for a tavern or shop license, shall, upon conviction thereof, for each offence pay a fine of not less than forty dollars, nor more than one hundred dollars, and in default of payment of such fine, the offender or offenders may be imprisoned in the county gaol of the county in which the conviction takes place for a period not exceeding three calendar months.

Forfeiture of office by municipal officer if convicted

**32.** If any officer of any municipal corporation shall be convicted of any offence under this Act, he shall thereby forfeit and vacate his office, and he shall be disqualified to hold any office in any municipality in this Province for two years thereafter.

Forfeiture of office by member of council if convicted.

**33.** If any member of any municipal council shall be convicted of any offence under this Act, he shall thereby forfeit and vacate his seat, and shall be ineligible to be elected to or to sit or vote in any municipal council for two years thereafter ; and if any such person, after the forfeiture aforesaid, shall sit or vote in any municipal council, he shall incur a penalty of forty dollars for every day he shall so sit or vote.

Penalty.

**34.** For punishment of offences against section twenty-eight of this Act, a penalty for the first offence against the provisions thereof, of not less than twenty dollars with costs, or fifteen days' imprisonment with hard labour, in case of conviction, shall be recoverable from, and leviable against, the goods and chattels of the person or persons who are the proprietors in occupancy, or tenants or agents in occupancy of the said place or places, who shall be found by himself, herself, or themselves, or his, her, or their servants or agents, to have contravened the enactment in the said twenty-eighth section, or any part thereof; for the second offence, a penalty against all such of not less than forty dollars with costs, or twenty days' imprisonment with hard labour; for a third offence, a penalty against all such of not less than one hundred dollars with costs, or fifty days' imprisonment with hard labour; and for a fourth or any after offence, a penalty against all such of not less than one nor more than three months' imprisonment with hard labour, in the common gaol of the county wherein such place or places may be, the number of such offences to be ascertained by the production of a certificate under the hand of the convicting justice, or by other satisfactory evidence to the justice before whom the information and complaint may be made; and it is hereby enacted, that convictions for several offences may be made under this Act, although such offences may have been committed in the same day: Provido. Provided always, that the increased penalties hereinbefore in this section imposed shall only be recoverable in the case of offences committed on different days.

Penalty for  
contravention  
of sec. 28.

**35.** Any person who shall sell or barter spirituous, fermented or manufactured liquors of any kind, or intoxicating liquors of any kind, without the license therefor by law required, shall, for the first offence, on conviction thereof, forfeit and pay a penalty of not less than twenty dollars besides costs, and not more than fifty dollars besides costs; and for the second offence, on conviction thereof, such person shall be imprisoned in the county gaol of the county in which the offence was committed, to be kept at hard labour for a period not exceeding three calendar months; and for the third and any after offence, on conviction thereof, such person shall be imprisoned in the county gaol of the county in which the offence was committed, to be kept at hard labour for a period of not less than one nor more than three calendar months; and the number of convictions may be ascertained by the production of a certificate under the hand of the convicting justice, or by other satisfactory evidence.

Penalty for  
selling with-  
out license.

**36.** The mayor or police magistrate of a town or city, or the reeve of a township or village, with any one justice of the peace, or any two justices of the peace having jurisdiction in the township or village, upon complaint made on oath to them, or one of them respectively, that any keeper of any inn, tavern, ale-house, beer-house, or other house of public entertainment, situate within their jurisdiction, sanctions or allows gambling or riotous

Keepers of  
disorderly  
inns subject to  
certain penal-  
ties.

or

or disorderly conduct in his tavern or house, may summon the keeper of such inn, tavern, ale or beer-house to answer the complaint, and may investigate the same summarily, and either dismiss the complaint with costs to be paid by the complainant, or convict the keeper of having an improper or a riotous or disorderly house, as the case may be, and annul his license, or suspend the same for not more than sixty days, with or without costs, as in his or their discretion may seem just; and in case the keeper of any such inn, tavern, ale-house, beer-house, or place of public entertainment, shall be convicted under this section, and his license annulled, he shall not be eligible to obtain a license for the period of two years thereafter.

Power of county judge as to licenses improperly obtained or licensee convicted.

**37.** The judge of the county court of the county in which the municipality is situate, wherein the license complained of is intended to take effect, upon the complaint of any person that such license has been issued contrary to any of the provisions of this Act or of any by-law in force in the said municipality, or that such license has been obtained by any fraud, or that the person licensed has been convicted on more than one occasion for any violation of the provisions of the thirty-sixth section of this Act, or has been convicted for the fourth or any after offence under the twenty-eighth section of this Act, shall summon the person to whom such license issued to appear, and shall proceed to hear and determine the matter of the said complaint in a summary manner, and may upon such hearing, or in default of appearance of the person summoned, determine and adjudge that such license upon any of the causes aforesaid ought to be revoked, and thereupon shall order and adjudge that such license is and stands revoked and cancelled accordingly, and thereupon such license shall be and become inoperative and of none effect, and the person to whom such license issued, shall thereafter, during the full period of two years, be disqualified from obtaining any further or other license under this Act; and the said order and adjudication of the said judge shall be final and conclusive, and shall not be the subject of appeal or revision by any court whatever, or the said judge may, in his discretion, dismiss the matter of the said complaint, with or without costs to be paid by the complainant.

Power of county judge as to inspectors neglecting their duties.

**38.** The judge of the county court of the county in which the municipality is situate, in which any inspector or inspectors of licenses is or are appointed, upon complaint made by any person that any such inspector is guilty of wilfully neglecting to do or observe, or of wilfully doing any act, matter or thing contrary to his duty, as such inspector, shall summon such inspector to appear, and shall proceed to hear and determine the matter of the said complaint, and upon such hearing, or in default of appearance of the said inspector being duly summoned, may determine that such inspector is guilty of the matter complained of, and ought to be removed from his said office of inspector, and shall order the same accordingly, and thereupon such



such person shall no longer be inspector, and the council or police commissioners as the case may be, in the said municipality, shall immediately appoint another inspector in his place; and the person so removed shall thereafter, for the full period of two years, be disqualified from being or becoming an inspector of licenses: and the said order and adjudication of the said judge shall be final and conclusive, and shall not be the subject of appeal or revision by any court whatsoever, or the said judge may, in his discretion, dismiss the matter of the said complaint, with or without costs to be paid by the complainant.

**39.** Any person who, having violated any of the provisions of this Act, shall compromise, compound or settle, or shall offer or attempt to compromise, compound or settle the offence with any person or persons, with the view of preventing any complaint being made in respect thereof, or if a complaint shall have been made with the view of getting rid of such complaint, or of stopping or having the same dismissed for want of prosecution, or otherwise, shall be guilty of an offence under this Act, and, on conviction thereof, shall be imprisoned at hard labour in the common gaol of the county in which the offence was committed for the period of three calendar months.

Penalty in case any person shall compromise, compound or settle a case.

**40.** Every person who shall be concerned in, or be a party to, the compromise, composition or settlement mentioned in the next preceding section, shall be guilty of an offence under this Act, and, on conviction thereof, shall be imprisoned in the common gaol of the county in which the offence was committed, for the period of three calendar months.

Penalty for being concerned in any such compromise, etc.

**41.** No police magistrate or justice or justices of the peace, municipal council or municipal officer, shall have any power or authority to remit or compromise any penalty or punishment inflicted under this Act.

Penalties or punishments not to be remitted.

**42.** Any person who, on any prosecution under this Act, tampers with a witness, either before or after he or she is summoned or appears as such witness on any trial or proceeding under this Act, or by the offer of money, or by threats, or in any other way, either directly or indirectly, induces or attempts to induce any such person to absent himself or herself, or to swear falsely, shall be liable to a penalty of fifty dollars for each offence.

Penalty for tampering with a witness.

**43.** The penalties in money under this Act, or any portion of them which may be recovered, shall be paid to the convicting justice or justices in the case, and shall by him, or them, in case any officer appointed by the Lieutenant-Governor is the prosecutor or complainant, be paid to the Treasurer of Ontario, and in case such Provincial officer is not the prosecutor or complainant, then the same shall be paid to the treasurer of the municipality

Applications of penalties.

Penalties and costs, how recoverable.

municipality wherein the offence was committed; and for the recovery of the said penalties and legal costs, upon and after conviction in cases not appealable, and in cases appealable where an appeal has not been perfected according to law, it shall and may be lawful for any justice or justices to issue a warrant of distress to any constable or peace officer, against the goods and chattels of the person or persons convicted, and in case no sufficient distress be found to satisfy the said conviction, then in cases not otherwise provided for by this Act, it shall and may be lawful for the said justice or justices to order that the person or persons so convicted be imprisoned in any common gaol within the county, or gaol or lock-up house, in which such conviction was made, for any period not exceeding thirty days, unless the penalty and all costs be sooner paid. The council of any municipality shall set apart not less than one-third part of such fines or penalties received by the said municipality for a fund to secure the prosecutions for infractions of this Act, and of any by-laws passed in pursuance thereof.

Municipalities to set apart a third.

#### PROCEEDINGS AND EVIDENCE.

Certain prosecutions to be before two or more justices or police magistrate,

44. All prosecutions for the punishment of the several offences against the provisions of this Act, contained in sections numbered respectively twenty-eight, twenty-nine, thirty, thirty-five, and thirty-six, whether the prosecution be for the recovery of a penalty or for punishment by imprisonment, shall take place before any two or more of Her Majesty's justices of the peace having jurisdiction in the municipality in which the offence is committed, or in cities and towns where there is a police magistrate, before the police magistrate, who, it is hereby declared, shall have authority to hear and determine the same in a summary manner according to the practice and procedure, and after forms contained in and appended to the Act chaptered one hundred and three of the Consolidated Statutes of Canada, intituled, An Act respecting the duties of the Justices of the Peace out of Sessions in relation to summary convictions and orders, and the Act or Acts amending the same; and on such trials and proceedings the prosecutor or complainant shall be a competent witness; and in all cases of prosecution for any offence against the provisions of the thirty-fifth section of this Act, the conviction or order of the said two or more justices, or of the said police magistrate, as the case may be, shall be final and conclusive, and against such conviction or order there shall be no appeal to the court of general sessions of the peace, or to any other court, except as hereinafter mentioned, any statute, usage, custom, or law to the contrary notwithstanding; and all prosecutions in this section mentioned shall be commenced within twenty days after the commission of the offence or after the cause of action arose, and not afterwards;

Conviction for sale without license may be appealed to county judge,

and prosecutions to be within twenty days.

Appeal from convictions for sale without license.

2. An appeal shall lie from a conviction had under the thirty-fifth section of this Act to the Judge of the County Court of the

the County in which the conviction is made sitting in Chambers, without a jury, within twenty days after the said conviction ;

(a) The justices of the peace or police magistrate, (as the case may be) shall, in all cases of complaint under the said section of this Act, reduce to writing the whole of the evidence of the witnesses examined before them, or him, and shall read the same over to the witnesses, who shall sign the same ;

(b) At the request of the person convicted, the justices of the peace, or police magistrate who have or has convicted, upon deposit made with them, or him, of the amount of the penalty and the costs, and a further sum of ten dollars shall, within five days after the date of the said conviction, transmit by registered letter, post-paid, all the proceedings and evidence to the clerk of the county court ;

(c) Within ten days after the date of the said conviction, if the judge of the County Court be of opinion from the said evidence that the conviction may be erroneous, he may grant a summons calling upon the County-Attorney and the prosecutor to show cause why the said conviction may not be quashed ;

(d) Upon the return of the summons, the judge may, upon hearing the parties, either affirm or quash the said conviction, or if he shall see fit may hear the evidence of such other witness or witnesses, or the further evidence of any witness already examined, and may then make an order affirming or quashing the said conviction as he may think just, and may order the payment of costs, and shall fix the amount thereof ;

(e) Upon production of the judge's order, the justices of the peace or police magistrate who have convicted shall issue their or his warrant for payment of such further sum for costs, as the sum deposited with them or him is insufficient to pay ; if the conviction be quashed, the judge shall order a return of the money so deposited ; and shall order payment of such sum for costs as he may tax and order, and unless the sum be paid by the complainant the justices or police magistrate may issue their or his warrant to levy the costs ;

(f) The judge shall have as full a power to correct and amend any formal objection in the conviction, as he would have to amend any proceeding in a civil cause in the County Court.

**45.** All prosecutions under this Act, other than those mentioned in the next preceding section whether for the recovery of a penalty or otherwise, may be brought and heard before any one or more of Her Majesty's justices of the peace in and for the county where the forfeiture took place, or the penalty was incurred, or the offence was committed or wrong done, and in cities and towns in which there is a police magistrate, before the police magistrate ; and the procedure shall be that of justices out of sessions in relation to summary convictions and orders ; and all prosecutions provided for under this section shall be commenced within two months after the commission of the offence or the cause of action arose, and not afterwards.

All other prosecutions may be before one or more justices or a police magistrate.

Mode of procedure.

Prosecutions to be commenced within two months.



Appeal from convictions other than sale without license.

**46.** In all cases of prosecutions for any offence against any of the provisions of this Act, other than those contained in the said thirty-fifth section, an appeal shall lie from any order or conviction, in the same manner and to the same extent as is provided in and by the said Act, chaptered one hundred and three of the consolidated statutes of Canada respecting summary convictions.

Any person may be prosecutor, etc.  
Witness.

**47.** Any person may be prosecutor or complainant in prosecutions under this Act; and no person shall be rendered incompetent as a witness by reason of his being interested in any portion of the penalty sought to be recovered.

By-laws by police commissioners in cities may have penalties attached thereto, etc.

**48.** In all cases where the board of police commissioners in cities are authorized to make by-laws either under this or any other Act or law, they shall have power in and by such by-laws to attach penalties for the infraction thereof, to be recovered and enforced by summary proceedings before the police magistrate of such city for which the same may be passed, or, in his absence, before any justice of the peace having jurisdiction therein, in the manner and to the extent that by-laws of city councils might be enforced under the authority of the Municipal Institutions Act; and the convictions in such proceedings may be in the form set forth in the said Act.

How such by-laws authenticated, etc.

**49.** All by-laws of such board of police commissioners shall be sufficiently authenticated by being signed by the chairman of such board, who shall pass the same; and a copy of any such by-law written or printed, and certified to be a true copy by any member of such board, shall be deemed authentic, and be received in evidence in any court of justice without proof of any such signature, unless it is specially pleaded or alleged that the signature to any such original by-law has been forged.

Places in which the sale of liquors is presumed.

**50.** Any house, shop, room, or other place in which are proved to exist a bar, counter, beer pump, kegs, jars, decanters, tumblers, glasses, or any other appliances or preparations similar to those usually found in taverns and shops where spirituous or fermented liquors are accustomed to be sold or trafficked in, shall be deemed to be a place in which spirituous, fermented, or other manufactured liquors are sold under the twenty-fifth section of this Act, unless the contrary is proved by the defendant in any prosecution; and the occupant of such house, shop, room, or other place, shall be taken conclusively to be the person who has, or keeps therein, such liquors for sale, barter or traffic therein.

Presumption as to occupant.

Persons or lights in bar-rooms at prohibited times, when so proved, to be *prima*

**51.** In cities, towns and incorporated villages, in all cases where any person or persons, other than members of the family or household of the keeper of a licensed tavern or saloon, is or are found frequenting or present, or gas or  
other

other light is seen burning, in the bar-room of such tavern or saloon, where liquor is trafficked in, at any time during which the sale or other disposal of liquors is prohibited by any provision of this Act, any such fact, when proved, shall be deemed and taken as *prima facie* evidence that a sale or other disposal of liquors by the keeper of such tavern or other place has taken place contrary to the provisions of the twenty-eighth section of this Act; and such keeper may thereupon be convicted of an offence against said section, and shall, upon conviction, be subject to the punishment prescribed in and by the thirty-fourth section of this Act.

**52.** The occupant of any house, shop, room or other place in which any sale, barter or traffic of spirituous, fermented, or manufactured liquors, or any matter, act or thing, in contravention of any of the provisions of this Act, has taken place, shall be personally liable to the penalty and punishments prescribed in the thirty-fourth and thirty-fifth sections of this Act, as the case may be, notwithstanding such sale barter or traffic be made by some other person, who cannot be proved to have so acted under or by the directions of such occupant.

**53.** In any prosecution under this Act, whenever it appears that the defendant has done any act or been guilty of any omission in respect of which, were he not duly licensed, he would be liable to some penalty under this Act, it shall be incumbent upon the defendant to prove that he is duly licensed, and that he did the said act lawfully; and the production of a license which on its face purports to be duly issued, and which were it duly issued, would be a lawful authority to the defendant for such act or omission, shall be *prima facie* evidence that the defendant is so entitled, and in all cases the signature to and upon any instrument purporting to be a valid license shall *prima facie* be taken to be genuine.

#### OFFICERS TO ENFORCE THE LAW AND THEIR DUTIES.

**54.** The Lieutenant-Governor may appoint one or more provincial officers, whose duty it shall be to enforce the observance of the provisions of this Act; and the council of every county, township, town and incorporated village, and the commissioners of police in each city shall, some time in the month of February in each year, appoint an officer or officers for the municipality, for the like purposes, and for the observance and enforcement of any by-law of the municipality, with respect to tavern and shop licenses, and shall fix and define the duties, powers and privileges of the officer or officers so appointed, the remuneration he or they shall receive, and the security to be given for the efficient discharge of the duties of the said office.

**55.** Any provincial officer, or any police officer or constable, or inspector of licenses, shall be deemed to be within the provisions

Duties of officers and county attorneys on receiving information of infringement of this Act.

sions of this Act; and when any information is given to such officer that there is cause to suspect that some person is violating any of the provisions of this Act, it shall be the duty of such officer to make diligent enquiry into the truth of such information, and enter complaint of such violation before the proper court, without communicating the name of the person giving such information; and it shall be the duty of the county attorney, within the county in which the offence is committed, to attend to the prosecution of all cases committed to him by the provincial officer.

Right of constables and officers to enter taverns, etc.

**56.** Any provincial officer, police officer or constable, or inspector of licenses, may, at any time, enter into any tavern, inn, ale-house, beer-house, or other house or place of public entertainment, or into any shop, warehouse or other place wherein refreshments or liquors are sold, or reputed to be sold, whether under license or not; and any person being therein, or having charge thereof, who refuses, or after due summons fails to admit such provincial or police officer, or constable, or inspector, into the same, or offers any obstruction to his admission thereto, shall be liable to a penalty of not less than ten dollars, nor more than fifty dollars for every such offence.

Duty of constables and others to prosecute offenders.

**57.** It shall be the duty of every police officer, or constable, or inspector of licenses in each municipality, to see that the several provisions of this Act are duly observed, and to proceed by information and otherwise prosecute for the punishment of any offence against the provisions of this Act; and in case of wilful neglect or default in so doing in any case, such police officer, constable or inspector shall incur a penalty of ten dollars for each and every such neglect and default.

Penalty for neglect.

Provisions as to harbouring constables on duty.

**58.** Any person licensed to sell wine, beer or spirituous liquors, or any keeper of any house, shop, room, or other place for the sale of liquors, who shall knowingly harbour or entertain any constable belonging to any police force, or suffer such person to abide or remain in his shop, room or other place during any part of the time appointed for his being on duty, unless for the purpose of quelling any disturbance, or restoring order, or otherwise in the execution of his duty, shall, for any of the offences aforesaid, be deprived of his license.

#### TERRITORIAL DISTRICTS.

This Act to apply to the territorial and unorganized districts.

**59.** The several provisions of this Act shall apply to the territorial and unorganized districts of this Province; and in any prosecution or proceeding thereunder the stipendiary magistrate in any such district shall possess and exercise all the powers and jurisdictions of the mayor, police magistrate, or other convicting justice or justices of the peace, under this Act; and any money penalty imposed and recovered shall be paid to the Treasurer of Ontario; and the lock-up of such district shall be deemed



deemed to be a gaol for the purpose of imprisonment under this Act; and the provisions of this Act, applicable to townships, shall apply to all municipalities organized under the Acts providing for the establishment of municipal institutions in various territorial districts.

**60.** The licenses to be issued for the sale of spirituous, fermented, or other manufactured liquors, in any place not within a municipality, may be issued on such conditions and under such regulations as the Lieutenant-Governor in Council may from time to time direct, subject to the provisions of this Act; and any bond which the Lieutenant-Governor in Council may direct to be taken from any person obtaining a license under this Act, for any such place conditional for the observance of the law, and of all regulations to be made under this section shall be valid, and may be enforced according to its tenor.

Issue of licenses for places not within a municipality.

#### REPEALING CLAUSE.

**61.** The several Acts in the recital hereof mentioned are hereby repealed, but the repeal thereof shall not revive any Act or provision of law by them repealed, or prevent the effect of any saving clause therein, or the application of any such Acts or of any provision therein formerly in force to any transaction, matter or thing anterior to the said repeal, and to which they would otherwise apply; and any by-law enacted under any of the provisions of the said recited Acts or any of them, and in force in any municipality at the time of the passing of this Act shall remain and continue in full force and effect, until another by-law having relation to the same subject matter shall be enacted by the proper authority in that behalf, under the provisions of this Act.

32 V., c. 32; 33 V., c. 28, and 36 V. c. 34 repealed,

by-laws enacted under their provisions to remain in force until others are passed.

### CAP. XXXIII.

An Act to regulate public aid to Charitable Institutions.

[Assented to 24th March, 1874.]

**W**HEREAS it is desirable and expedient that all appropriations from the public funds in aid of charitable institutions should be made upon some properly arranged and equitable system, and that municipal and other corporations, as well as private individuals, should be stimulated and encouraged to give a liberal support to such institutions:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Title.

1. This Act may be known and cited as "The Charity Aid Act, 1874."

Aid to be  
given to cer-  
tain charit-  
able  
institutions.

2. From and after the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-four, aid from the public funds or moneys of this Province, shall be given to charitable institutions hitherto receiving public aid, and named in Schedules A, B and C, upon the terms and under the provisions of this Act.

Amount of aid.

3. In case of public moneys being appropriated for the purposes of this Act by the Legislative Assembly, every institution named in said Schedules complying with the requirements of this Act, and of all orders made hereunder by the Lieutenant-Governor in Council, shall, from and after said thirty-first day of December, receive in each year aid from such moneys to the extent and amount following, that is to say :—

(a) Every institution named in said Schedule A shall so have and receive twenty cents for each day's actual treatment and stay of every patient admitted to, or being within such last-mentioned institution during the calendar year next preceding the year for which such aid is given ;

(b) Every institution named in said Schedule B shall so have and receive five cents for each day's actual lodgment and maintenance therein of any indigent person during the calendar year next preceding that for which such aid is given ;

(c) Every institution named in said Schedule C shall so have and receive one and a-half cents for each day's actual lodgment and maintenance therein of any orphan or neglected and abandoned child, during the calendar year next preceding that for which such aid is given.

Further aid.

4. In every year as aforesaid, every such institution shall also be entitled to have and receive from such public funds further aid to the extent and amount following, that is to say :—

(a) Every institution named in Schedule A, ten cents ;

(b) Every institution named in Schedule B, two cents ; and

(c) Every institution named in Schedule C, one-half cent,

for every such day's actual stay and treatment, or lodgment and maintenance of any patient or person therein, as aforesaid :

Proviso—  
Limit of  
amount of aid.

Provided always that the aggregate amount of such further aid, at the rate aforesaid, does not, in any one year, exceed one-fourth of the entire moneys received by such institution in said preceding year from all sources other than the Province, towards the ordinary yearly maintenance thereof, and in every such case, where said further aid in the aggregate would so exceed said one-fourth of said last-mentioned moneys, there shall be substituted and given, in lieu thereof, from the public moneys so appropriated a sum equal to the said one-fourth of said last mentioned moneys.

How amount  
to be calcu-  
lated.

5. In calculating the amount of aid so to be given under this Act to any such institution as aforesaid, the day of departure

ture of any such patient or person from any such institution shall not be counted or reckoned.

6. The Treasurer of the Province, with the authority of the Lieutenant-Governor in Council, may, from any moneys appropriated for that purpose by the Legislative Assembly, advance and pay by such periodical payments in every year as the Lieutenant-Governor in Council deems fit, to any institution entitled to receive aid under this Act all sums to which such institution may be so entitled; but if in any year the aggregate aid payable under this Act exceeds the amount of the moneys so appropriated, then every such institution shall in any such year receive by way of aid as aforesaid, such sum only as will bear the same proportion to the amount of aid which but for this section it would receive, as the amount of moneys so appropriated bears to such aggregate aid as aforesaid.

Treasurer of Province to pay over amounts.

Proviso in case aid is in excess of sum granted

7. The Lieutenant-Governor in Council may, by Order in Council, direct that any institution (naming it) similar to those named in either of said schedules, shall be thereafter taken as named in such one of said schedules as in that behalf is specially designated in such order; and thereupon and thereafter said last mentioned institution shall receive aid under this Act after the manner and to the same extent as the other institutions now named in said last mentioned schedule: Provided always that no such Order in Council shall be made except upon report of the Inspector hereafter named to and for the information of the Lieutenant-Governor in Council, showing that the institution named in such order has all the usual and proper requirements for one of its nature and objects, and that for reasons therein stated, the same ought to be aided under this Act; and provided, moreover, that every such Order in Council shall, as soon as conveniently may be after the making thereof, be laid before the Legislative Assembly for its ratification or rejection, and that no such order shall be operative unless and until the same shall have been ratified by a resolution of said Legislative Assembly.

Lieutenant-Governor in Council may name similar institutions to those mentioned to receive aid.

Proviso.

8. If there be a residue of the moneys so appropriated, because of the same being more than sufficient to pay the sums payable to the said institution as aforesaid, then every of the said institutions named in said schedules, which may not be entitled to receive under the foregoing provisions the sum set opposite its name in said schedules, that being the sum heretofore granted thereto shall receive out of the said residue, such an amount by way of supplementary aid, as will make the total aid under this Act received by such institution equal to the said sum so set opposite its name, if such residue is sufficient for that purpose, or if insufficient, then such proportion thereof as the said residue will permit of.

Case of a residue of appropriation.



Inspector.

**9.** The Inspector appointed, or to be appointed under the first clause of the "Prison and Asylum Inspection Act, 1868," shall, by virtue of his office, be the inspector of every institution receiving aid under this Act.

Returns.

**10.** The Lieutenant-Governor in Council shall from time to time, by Order in Council, fix and direct the particulars to be contained in, and the form, manner and time of making such return or returns as to the Lieutenant-Governor in Council may, for the due carrying out of the provisions of this Act, seem proper with regard to any such institution, and, by like Order in Council, shall fix and direct the form and manner of oath (if any) required for the verification of any such return, and the person by whom such oath shall be made; and any such oath may be taken before and administered by any Justice of the Peace or Commissioner for taking affidavits.

Penalty in case of false return.

**11.** Any person knowingly and wilfully making, or being a party to, or procuring to be made, directly or indirectly, any false return, either under this Act or any such Order in Council, shall thereby incur a penalty of one thousand dollars, which penalty may be recovered, with costs, by civil action or proceeding, at the suit of the Crown only, in any form allowed by law, and before any Court of the Province having jurisdiction to the amount of such penalty in cases of simple contract.

Duties of inspector.

**12.** The said Inspector shall, from time to time, visit and inspect every such institution, and make all proper enquiries as to the maintenance, management, and affairs thereof; and by examination of the registers and such other means as he may deem necessary, particularly satisfy himself as to the correctness of any returns made under this Act, or under any Order in Council in that behalf, as aforesaid; upon all which matters he shall make report to the Lieutenant-Governor in Council.

Governor in Council may order aid to be discontinued,

but upon report of inspector, order may be revoked.

**13.** The Lieutenant-Governor in Council may, by Order in Council, direct that any institution receiving aid under this Act, shall not, after the date of such Order, receive any such aid; and thereupon, and whilst such Order remains unrevoked, such last mentioned institution shall not be entitled to or receive any further aid from the Public moneys of the Province; but upon report of the said Inspector, disclosing good and sufficient grounds in that behalf, it shall always be competent for the Lieutenant-Governor in Council to revoke any such last mentioned Order by a subsequent Order in Council, and thereafter such institution shall again receive aid under this Act, and shall be subject to all its provisions, as if the Order in Council firstly in this section mentioned had not been made; and, if at any time, upon report of said Inspector, it shall be found that any institution of the character named in Schedule A, is insufficient, or without the necessary and proper accommodation or requirements for one of its nature and objects, the Lieutenant-Governor in Council shall

shall thereupon make such Order as is firstly in this section mentioned.

14. The directors, or managers, or other body or persons having the control or management of any such institution named in Schedules A and B shall, within six months after the passing of this Act, enact by-laws or regulations for the government and management of such institution,\* prescribing the method and terms of admission thereto, and defining and regulating the duties and powers of all officers and servants of such institution, and the salaries (if any) of such officers and servants, and shall immediately thereafter submit such by-laws or regulations to the Lieutenant-Governor in Council for approval, and no such by-laws or regulations shall have force or effect, until the same, upon report of said Inspector, shall be so approved of.

Managers of institutions to make by-laws and submit same to Governor in Council.

#### SCHEDULE A.

Toronto General Hospital	-	-	-	-	\$11,200 00
The City Hospital, Hamilton	-	-	-	-	4,800 00
Kingston Hospital, Kingston	-	-	-	-	4,800 00
Hotel Dieu Hospital, Kingston	-	-	-	-	1,000 00
County of Carleton General Protestant Hospital, Ottawa	-	-	-	-	1,200 00
The General Roman Catholic Hospital, Ottawa	-	-	-	-	1,200 00
The General Hospital, London	-	-	-	-	2,400 00
The General and Marine Hospital, St. Catharines	-	-	-	-	1,000 00
The Burnside Lying-in Hospital, of Toronto	-	-	-	-	480 00
The Toronto Eye and Ear Infirmary	-	-	-	-	1,000 00

#### SCHEDULE B.

The House of Industry, Toronto	-	-	-	\$2,900 00
The House of Providence, Toronto	-	-	-	1,000 00
The House of Industry and Refuge for Indigent Sick, Kingston	-	-	-	2,400 00
The House of Refuge, Hamilton	-	-	-	720 00

#### SCHEDULE C.

The Orphans' Home and Female Aid Society, Toronto	\$640 00
Roman Catholic Orphan Asylum, Toronto	640 00
The Toronto Magdalen Asylum	480 00
The Girls' Home and Public Nursery, Toronto	320 00
The Boys' Home, Toronto	320 00
The Orphans' Home, Kingston	640 00
The	

The Roman Catholic Orphan Asylum, London	-	640	00
The St. Mary's Orphan Asylum, Hamilton	-	640	00
The Hamilton Orphan Asylum	- - -	640	00
The St. Patrick's Orphan Asylum, Ottawa	-	480	00
The Orphans' Home, Ottawa	- - -	480	00
The St. Joseph's Orphan Asylum, Ottawa	-	480	00
The Magdalen Asylum, Ottawa	- - -	480	00

## CAP. XXXIV.

## An Act respecting Benevolent, Provident and other Societies.

[Assented to 24th March, 1874.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to form societies for certain purposes.

1. Any five or more persons, of full age, may become incorporated under this Act for any benevolent or provident purpose; or for any other purpose not illegal, save and except, the purpose of trade or business, and any purpose heretofore provided for by any of the Acts mentioned in the Schedule to this Act, or any other Act heretofore in force and not hereby repealed.

Mode of Incorporation.

2. The proceedings to obtain incorporation shall be as follows:

1. Such persons shall make and sign before a Judge of one of the Superior Courts, or before a County Court Judge, a declaration in writing setting forth the intended corporate name of the society, the purpose of the society, the names of those who are to be the first trustees or managing officers, the mode in which their successors are to be appointed, and such other particulars and provisions as the society may think fit, provided that the said particulars and provisions are not contrary to law;

2. The declaration may be made and signed in duplicate, or in as many parts as may be required;

3. The Judge shall endorse thereon a certificate that the same appears to him to be in conformity with the Act;

4. One of the original parts of the declaration shall be filed in the office of either the Provincial Registrar, or the Clerk of the Peace for the county, or union of counties, in which the society is to hold its annual and general meetings;

When the incorporation is to be deemed complete.

5. When these directions have been complied with, the persons who signed the declaration shall thereby become, and they, their associates and successors, shall thenceforward be a body corporate and politic, and shall have the powers, rights and immunities vested by law in such bodies.



3. The society so incorporated may, from time to time, have or establish and maintain any number of branches thereof, to promote the objects of the society.

Societies may establish branches.

4. The society may from time to time appoint trustees, a treasurer, a secretary, and other officers, for conducting its affairs, and for the discipline and management, of the society; and may from time to time make by-laws, rules or regulations for the government, and for conducting the affairs, of the society, or of any branches thereof; and may from time to time alter or rescind such by-laws, rules or regulations.

Appointment of officers, &c.

5. In case of a society, of a character authorized to be incorporated under section one of this Act, having been established before the passing of this Act, and being in existence at the time of the passing thereof, and desiring to be incorporated under this Act, such society may become incorporated in manner following:

How existing societies may become incorporated here-under.

1. The trustees or office bearers for the time being are to make, sign, and file, in manner aforesaid, a declaration stating the desire of the society to become incorporated according to the provisions of this Act, and stating also the intended corporate name of the society, and the purpose of the society;

2. There shall be annexed to and filed with such declaration a copy of the constitution and by-laws of the society; or by which the society is governed; and

3. A certificate by such Judge as aforesaid, that the said documents appear to him to be in conformity with this section of this Act; and thereupon the society shall become and be a body corporate and politic as aforesaid.

6. Any branch of an incorporated society of the character aforesaid, may become incorporated in manner following:

How branches of existing societies may become incorporated.

1. The trustees or office bearers for the time being of the branch are to make, sign, and file, in manner aforesaid a declaration of the desire of the branch to become incorporated according to the provisions of this Act, stating in the declaration the name of the branch;

2. There shall be filed with the declaration a copy of the constitution and by-laws (if any) of the branch; and in case the branch shall have no constitution or by-laws, an affidavit of the fact, made by one or more of the said trustees or office bearers, shall be filed with the declaration; and;

3. A certificate by such Judge as aforesaid, shall also be filed, that the said documents appear to him to be in conformity with this section of this Act; and thereupon the said branch shall become and be a body corporate and politic as aforesaid.

7. Any branch of a society of the character aforesaid, which society has been incorporated under this Act, may become incorporated in like manner and by like proceedings with the consent

How branches of future incorporated societies may become incorporated.

consent of the society to which the branch belongs, such consent to be given at a general meeting of the society called for the purpose in manner provided by the constitution and by-laws of the society, and upon proof of such consent having been given in manner aforesaid, being filed with the other documents aforesaid, before the judge grants his certificate as provided by the preceding sections.

Different societies or branches may unite.

8. Any two or more societies or branches of a society, may unite and form one society or branch, for the purpose of erecting buildings for the use of the societies or branches, and if they so desire for other purposes, on such terms as may be agreed upon, by authority of a resolution assented to by a majority of the members of each of the said societies or branches proposed to be united; provided that every such resolution is passed at a general meeting of each of the societies or branches concerned in such union to be specially called for that purpose.

Liability of persons under age.

9. A person under the age of twenty-one years, elected or admitted as a member of a society, or appointed to any office therein, shall be liable to the payment of fees and otherwise under the rules of the society, as if he were of full age.

Payment of money due on death of member.

10. When, on the death of any member of a society, any sum of money shall become payable under the rules of the society, the same shall be paid by the treasurer or other officer of the society to the person or persons entitled under the rules thereof; and such money shall be, to the extent of five hundred dollars, free from all claims by the personal representative or creditors of the deceased; and in case any sum be paid in good faith to the person who shall appear to the treasurer or other officer to be entitled to receive the same, no action shall be brought against such treasurer or other officer of the society in respect thereof; but nevertheless if it should subsequently appear that such money has been paid to the wrong person, the person entitled thereto may recover the amount with interest from the person who may have wrongfully received it.

Bona fide payments made in error.

Property of existing Society upon being incorporated under this Act.

11. In case of the incorporation of a society, or branch of a society, heretofore established and now in existence, all real estate and other property held at the time of such incorporation in trust for the said society or branch, shall, on such incorporation going into effect, become and be vested in the incorporated society or branch, without any deed, conveyance or assurance, and shall be held by the incorporated society or branch for such uses and purposes, and upon such trusts, and subject to such conditions and incumbrances, as for, and subject to which the same were theretofore held by the trustees.

Powers of societies as to holding lands.

12. No society or branch incorporated under this Act shall be entitled to acquire or hold, as purchasers or otherwise, any lands or tenements, or any interests therein, exceeding in the whole  
at

at any one time the annual value of five thousand dollars, nor shall the society or branch be entitled to purchase land except for the actual use and occupation of the society for the purposes of the society.

**13.** Any such society or branch may, from time to time, take by gift, devise or bequest any lands or tenements, or any interest therein, provided such gift, devise or bequest be made at least six months before the death of the person making the same; but the society or branch shall at no time take, by gift, devise or bequest, lands or tenements or any interests therein, the annual value of which, together with that of all other lands and tenements theretofore acquired by like means, and then held, by the society or branch, shall exceed in the whole one thousand dollars; nor shall the society or branch at any time take by gift, devise or bequest, lands, tenements or hereditaments, the annual value of which and of all the other real estate of the society or branch shall together exceed five thousand dollars; and no lands or tenements, acquired by gift, devise or bequest, within the limits aforesaid, but not required for the actual use or occupation of the society or branch, shall be held by the society or branch for a longer period than seven years after the acquisition thereof; and within such period the same shall be absolutely disposed of by the society or branch; and the society or branch shall have power within such period, in the name of the society or branch, to grant and convey the said lands or tenements to any purchaser, so that the society or branch do no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages on land, for the use of the society or branch; and any lands, tenements, or interests therein, required by this Act to be sold and disposed of by the society or branch, but which may not, within the said period, have been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns.

Power as to taking and retaining lands by gift, devise or bequest.

**14.** Any society may, in pursuance of a resolution assented to by a majority of the members present at a general meeting, specially called for that purpose, of which public notice shall be given in the manner provided by the by-laws, mortgage, sell, exchange or lease, any lands of the society.

Power to sell, mortgage, etc., lands.

**15.** A copy of the declaration, under the second, fifth or sixth section of this Act, certified by the Provincial Registrar, or his deputy, or by the Clerk of the Peace, as the case may be, to be a true copy, shall be *prima facie* evidence of the facts alleged in the declaration, and of the due making, signing and filing of the declaration, as mentioned in the certificate; and his certificate of the filing of the copy of the constitution and by-laws, under the sixth section, shall be like evidence of such filing; and a copy of the declaration with a certificate of the said

Copy of declaration of incorporation to be evidence.



said Provincial Registrar, or his deputy, or Clerk of the Peace, showing the particulars necessary for creating a corporation under this Act, shall be *prima facie* evidence that the society or branch is an incorporated society or branch under this Act. No defect of form in the certificate of the Judge, or in the proceedings to which the certificate of the Judge relates, shall affect the validity of the incorporation.

Defects in form.

Certificate of Incorporation; its effect as evidence.

16. To facilitate the proof of a society or branch being an incorporated society or branch under this Act, and to prevent any future question as to the same, the society or branch, after the same has become incorporated as aforesaid, shall be entitled (if the society or branch thinks fit) to receive a certificate of such incorporation in manner hereinafter mentioned; and the certificate so obtained shall be final and conclusive evidence of the society or branch being an incorporation under this Act, unless the certificate, or the order or decision of the Court granting or authorizing the same, be reversed or set aside by some direct proceeding taken for the purpose; and the proceedings for the purpose of obtaining the Certificate may be as follows:—

Application for certificate.

1. The application for the certificate may be made by the society or branch to one of the Superior Courts or a Judge thereof, or to the County Court of the County in which the declaration aforesaid is filed, or to a Judge thereof;

2. The application is to be supported by satisfactory evidence that the society or branch is a society or branch within the true intent and meaning of this Act; that the proceedings necessary for incorporation have been duly taken; that four weeks' notice of the intention to apply for a certificate had been given to the Attorney-General of Ontario; and that a like notice had been published for four weeks in the *Ontario Gazette*; and if the Court or Judge is not satisfied with the evidence offered of these particulars in the first instance, the Court or Judge, instead of dismissing the application, may give an opportunity or opportunities for producing further evidence; and if there is any defect in the proceedings taken to obtain incorporation, the Court may permit the same to be supplied; and the Court or Judge may in all cases require from time to time any further publication to take place, and any other notice to be mailed, served or given, which the Court or Judge deems necessary;

Issue of certificate.

3. When the Court is satisfied that the society or branch is entitled to the certificate, the certificate (under his hand and the seal of the said court) may be issued by the Registrar or Clerk in duplicate, or in as many parts as may be required; and the same shall name the day from and at which the incorporation was complete and effectual; and any person shall thereafter be entitled to receive a certificate to the same effect, sealed and signed as aforesaid, or a counterpart of the certificate first issued, sealed and signed as aforesaid; any which certificate or counterpart thereof shall be final and conclusive, as hereinbefore mentioned:

4. The Courts shall have the same power of regulating the practice and costs in such cases as in other cases; and, subject to this power, the costs and fees shall be the same as nearly as may be as in like cases within the jurisdiction of the said Courts respectively.

Costs and  
practice.

17. It shall be the duty of the corporation when thereunto required by the Lieutenant-Governor in Council, or by the Legislative Assembly, to furnish a statement of the real property, and of the estates therein, held by the society, and to give such details thereof as the Lieutenant-Governor or the Legislative Assembly may from time to time require.

Society to furnish statement of real property to the Legislature.

18. Societies or branches thereof incorporated under this Act shall be subject to such further and other provisions as the Legislature shall hereafter deem expedient.

Corporations subject to further Legislation.

19. As far as regards the creation hereafter of incorporated societies in this Province, the Act, chaptered seventy-one of the Consolidated Statutes of Canada, intituled "An Act respecting charitable, philanthropic and provident associations," and the Act, chaptered thirty-two of the statutes of this Province, passed in the thirty-fourth year of Her Majesty's reign, amending the said Act, are hereby repealed.

Con. Stat. Can., c. 71; and 34 Vict., c. 32 (Ont.) repealed.

## SCHEDULE

### *Of Acts for purposes NOT intended by this Act.*

1. Chapter Forty-nine of the Consolidated Statutes for Upper Canada, intituled "An Act respecting Joint Stock Companies for the Construction of Roads and other works in Upper Canada."

Con. Stat. U. C., c. 49.

2. Chapter Fifty of the Consolidated Statutes for Upper Canada, intituled "An Act respecting Joint Stock Companies for the Construction of Piers, Wharves, Dry Docks and Harbours."

Con. Stat. U. C., c. 50.

3. Chapter Fifty-one of the Consolidated Statutes for Upper Canada, intituled "An Act for the promotion of Agriculture in Upper Canada."

Con. Stat. U. C., c. 51.

4. Chapter Fifty-two of the Consolidated Statutes for Upper Canada, intituled "An Act respecting Mutual Insurance Companies."

Con. Stat. U. C., c. 52.

5. Chapter Fifty-three of the Consolidated Statutes for Upper Canada, intituled "An Act respecting Building Societies."

Con. Stat. U. C., c. 53.

6. Chapter Sixty-seven of the Consolidated Statutes for Upper Canada, being "An Act respecting Cemeteries."

Con. Stat. U. Can. c. 67.

- Con. Stat.  
Can. c. 60. 7. Chapter Sixty of the Consolidated Statutes of Canada,  
entitled, An Act respecting Limited Partnerships.
- Con. Stat.  
Can. c. 63. 8. Chapter Sixty-three of the Consolidated Statutes of  
Canada, intituled "An Act respecting Joint Stock Companies for  
Manufacturing, Mining, Mechanical, Chemical, or other pur-  
poses, or for the erection of Public Hotels, Baths and Bath-  
Houses, or the opening and using of Salt or Mineral Springs,  
or for carrying on Fishing."
- Con. Stat.  
Can., c. 65. 9. Chapter Sixty-five of the Consolidated Statutes of Canada,  
intituled "An Act respecting Incorporated Joint Stock Companies  
for supplying Cities, Towns and Villages with Gas and Water."
- Con. Stat.  
Can., c. 67. 10. Chapter Sixty-seven of the Consolidated Statutes of  
Canada, intituled "An Act respecting Electric Telegraph Com-  
panies."
- Con. Stat.  
Can., c. 68. 11. Chapter Sixty-eight of the Consolidated Statutes of  
Canada, intituled "An Act respecting Joint Stock Companies to  
Construct Works, to facilitate the transmission of Timber down  
Rivers and streams."
- Con. Stat.  
Can., c. 72. 12. Chapter Seventy-two of the Consolidated Statutes of  
Canada, intituled "An Act respecting Library Associations and  
Mechanics' Institutes."
- Vict., c. 31. 13. Chapter Thirty-one of the Statutes of the late Province  
of Canada, passed in the Twenty-third year of Her Majesty's  
reign, intituled "An Act respecting the Judicial Incorporation  
of Joint Stock Companies for certain purposes."
- 27 & 28 Vict.,  
c. 23. 14. Chapter Twenty-three of the Statutes of the late Pro-  
vince of Canada, passed in the Session of Parliament, held in  
the Twenty-seventh and Twenty-eighth years of Her Majesty's  
reign, and intituled "An Act to authorize the Granting of Char-  
ters of Incorporation to Manufacturing, Mining and other  
Companies."
- 29 Vict., c. 22. 15. Chapter Twenty-two of the Statutes of the said Province  
of Canada, passed in the Twenty-ninth year of Her Majesty's  
reign, and intituled "An Act to authorize the formation of Com-  
panies or Co-operative Associations for the purpose of carrying  
on, in common, any trade or business."
- 36 Vict., c. 35  
(Ont.) 16. Chapter Thirty-five of the Statutes of the Province of  
Ontario, passed in the Thirty-sixth year of Her Majesty's reign,  
intituled "An Act to provide for the Incorporation of Immigra-  
tion Aid Societies in the Province of Ontario."
- 36 Vict., c. 44  
(Ont.) 17. Chapter Forty-four of the Statutes of the Province of  
Ontario, passed in the Thirty-sixth year of Her Majesty's reign,  
intituled



intituled "An Act to consolidate and amend the laws having reference to Mutual Fire Insurance Companies in the Province of Ontario."

18. Chapter One Hundred and Thirty-five of the Statutes of the Province of Ontario, passed in the Thirty-sixth year of Her Majesty's reign, intituled "An Act respecting the Property of Religious Institutions in the Province of Ontario." 36 Vict., c.  
135 (Ont.)

## CAP. XXXV.

### An Act respecting the incorporation of Joint Stock Companies by Letters Patent.

[Assented to 24th March, 1874.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as the "Ontario Joint Stock Companies Letters Patent Act, 1874." Short title.

2. The following expressions, in this Act, and in all letters patent and supplementary letters patent issued under the same, shall have the meaning hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say: Interpretation  
of the words

1. The expression "the letters patent" means the letters patent incorporating a Company for any purpose contemplated by this Act; "The letters patent;"

2. The expression "the supplementary letters patent" means any letters patent granted for the increasing or reducing of the capital stock of such Company; "The supplementary letters patent;"

3. The expression "the Company" means the Company so incorporated by letters patent; "The company;"

4. The expression "the undertaking" means the whole of the works and business of every kind, which the Company is authorized to carry on; "The undertaking;"

5. The expression "real estate" or "land" includes all immovable real property of every kind; "Real estate,"  
"Land;"

6. The expression "shareholder" means every subscriber to, or holder of stock in the Company, and extends to, and includes the personal representatives of the shareholder. "Shareholder."

3. The Lieutenant-Governor in Council may, by letters patent under the great seal, grant a charter to any number of persons, not less than five, who shall petition therefor, constituting such persons and others who may become shareholders in the Company Companies  
formed for  
certain pur-  
poses may be  
incorporated  
by letters  
patent.

pany thereby created, a body corporate and politic, for any purposes or objects to which the Legislative authority of the Legislature of Ontario extends, except the construction and working of Railways and the business of Insurance.

Notice to be given in the *Ontario Gazette*, and what it shall contain.

4. The applicants for such letters patent must give at least one month's previous notice in the *Ontario Gazette*, of their intention to apply for the same, stating therein :

1. The proposed corporate name of the Company, which shall not be that of any other known company, incorporated or unincorporated, or any name liable to be unfairly confounded therewith, or otherwise on public grounds objectionable ;

2. The object for which its incorporation is sought ;

3. The place or places within the Province of Ontario, where its operations are to be carried on, with special mention if there be two or more such places, of some one of them as its chief place of business ;

4. The amount of its capital stock ;

5. The number of shares and amount of each share ;

6. The names in full and the address and calling of each of the applicants, with special mention of the names of not less than three nor more than nine of their number, who are to be the first Directors of the Company.

Petition for letters patent,

5. At any time, not more than one month after the last publication of such notice, the applicants may petition the Lieutenant-Governor, through the Provincial Secretary, for the issue of such letters patent :

what it shall contain :  
amount of stock taken,  
&c

2. Such petition must state the facts required to be set forth in the notice, and must further state the amount of stock taken by each applicant, and also the amount, if any, paid in upon the stock of each applicant ;

3. The petition shall also state whether such amount is paid in cash or by transfer of property, or how otherwise ;

4. In case the petition is not signed by all the shareholders whose names are proposed to be inserted in the Letters Patent, it shall be accompanied by a memorandum of association, signed by all the persons whose names are to be so inserted, or by their attorneys, lawfully authorized in writing, and such memorandum shall contain the particulars required by the next preceding sub-section ;

5. The petition may ask for the embodying in the letters patent, of any provision which otherwise under this Act might be embodied in any by-law of the Company when incorporated.

Preliminary conditions, to be established.

6. Before the letters patent are issued, the applicants must establish to the satisfaction of the Provincial Secretary, or of such other officer as may be charged by order of the Lieutenant-Governor in Council to report thereon, the sufficiency of their notice and petition, and that the proposed name is not the name of any other known incorporated or unincorporated Company ;

2. And to that end, the Provincial Secretary, or such other officer, may take and keep of record any requisite evidence in writing under oath or affirmation; and he, or any Justice of the Peace, or Commissioner for taking affidavits in either of the Superior Courts, may administer every requisite oath or affirmation.

Proof thereof.  
Power to take affidavits.

7. The letters patent shall recite all the material averments of the notice and petition as so established.

Facts to be recited in letters patent.

8. Notice of the granting of the letters patent shall be forthwith given by the Provincial Secretary, in the *Ontario Gazette*, in the form of the schedule A appended to this Act; and from the date of the letters patent the persons therein named and their successors shall be a body corporate and politic by the name mentioned therein.

Notice of issuing letters patent.  
Completion of incorporation.

9. In case it should be made to appear that any company is incorporated under the same name, or under a name similar to that of an existing company, it shall be lawful for the Lieutenant-Governor in Council to direct the issue of Supplementary Letters Patent reciting the former letters, and changing the name of the company to some other name to be set forth in the Supplementary Letters Patent; and no such alteration of name shall affect the rights or obligations of the Company; and all proceedings may be continued and commenced by or against the company by its new name, that might have been continued or commenced by or against the company by its former name;

Change of name and supplementary letters patent.

2. The Court of Chancery may compel an application under this section whenever a company improperly assumes the name of, or a name similar to, that of an existing company.

Compelling change of name.

10. Every Company so incorporated may acquire, hold, alienate and convey, any real estate, requisite for the carrying on of the undertaking of such Company, and shall forthwith become and be invested with all rights, real and personal, heretofore held by or for the Company under a trust created with a view to its incorporation, and with all the powers, privileges and immunities requisite to the carrying on of its undertaking, as though the Company has been incorporated by a special Act of the Legislature, making the Company a body politic and corporate, and embodying all the provisions of this Act, and of the letters patent.

General corporate powers of such companies.

11. The directors of the company, if they see fit at any time, may make a by-law sub-dividing the existing shares into shares of smaller amount.

Sub-division of shares.

12. The Directors of the Company, if they see fit at any time, after the whole capital stock of the Company shall have been taken up and fifty per centum thereon paid in, but not sooner, may make a by-law for increasing the capital stock of

Increase of capital.



of the Company to any amount which they may consider requisite in order to the due carrying out of the objects of the Company ;

by-law for  
that purpose.

2. Such by-law shall declare the number and value of the shares of the new stock ; and may prescribe the manner in which the same shall be allotted ; and in default of its so doing, the control of such allotment shall be held to vest absolutely in the Directors.

Reduction of  
capital,

**13.** The Directors of the Company, if they see fit at any time, may make a by-law for decreasing the capital stock of the Company to any amount which they may consider sufficient in order to the due carrying out of the undertaking of the Company, and advisable ;

by-law for  
that purpose.

2. Such by-law shall declare the number and value of the shares of the stock as so decreased ; and the allotment thereof, or the rule or rules by which the same shall be made.

Such by-laws  
must be ap-  
proved by  
shareholders  
and confirmed  
by supplement-  
ary letters  
patent.

**14.** But no by-law for increasing or decreasing the capital stock of the Company, or subdividing the shares, shall have any force or effect whatever, until after it shall have been sanctioned by a vote of not less than two-thirds in value of the shareholders at a general meeting of the Company duly called for considering the same, and afterwards confirmed by supplementary letters patent ;

Liability of  
shareholders  
on decrease.

2. The liability of shareholders to persons who were, at the time of the reduction of the capital, creditors of the company, shall remain as though the capital had not been decreased.

Petition for  
supplement-  
ary letters  
patent.

**15.** At any time not more than six months after such sanction of such by-law, the Directors may petition the Lieutenant-Governor, through the Provincial Secretary, for the issue of supplementary letters patent to confirm the same ;

By-law, &c.,  
to be produced  
with petition.

2. With such petition they must produce such by-law, and establish to the satisfaction of the Provincial Secretary, or of such other officer as may be charged by order of the Lieutenant-Governor in Council, to report thereon, the due passage and sanction of such by-law, and if the petition is in respect of increase or decrease of capital, the *bona fide* character of the increase or decrease of capital thereby provided for, and that notice of the application for supplementary letters patent has been inserted for one month in the *Ontario Gazette* ;

Powers of  
officer charged  
to report on  
petition.  
Affidavits.

3. And to that end the Provincial Secretary, or such other officer, may take and keep of record any requisite evidence in writing, under oath or affirmation ; and he, or any Justice of the Peace, or Commissioner aforesaid, may administer every requisite oath or affirmation.

Granting of  
supplement-  
ary letters  
patent.

Notice thereof.

**16.** Upon due proof so made, the Lieutenant-Governor in Council may grant such supplementary letters patent under the great seal ; and notice thereof shall be forthwith given by the Provincial Secretary in the *Ontario Gazette*, in the form of

the

the schedule B appended to this Act ; and thereupon, from the date of the supplementary letters patent, the shares shall be subdivided, or the capital stock of the Company shall be and remain increased, or decreased, as the case may be, to the amount, in the manner, and subject to the conditions set forth by such by-law ; and the whole of the stock, as so increased or decreased, shall become subject to the provisions of this Act, in like manner (so far as may be) as though every part thereof had formed part of the stock of the Company originally subscribed.

Effect of such  
letters patent.

**17.** All powers given to the Company by the letters patent and supplementary letters patent granted in its behalf, shall be exercised subject to the provisions and restrictions contained in this Act.

Powers by the  
patent to be  
subject to this  
Act.

**18.** The affairs of every such Company shall be managed by a Board, of not less than three, nor more than nine Directors.

Board of  
Directors.

**19.** The persons named as such, in the letters patent, shall be the Directors of the Company, until replaced by others duly appointed in their stead.

Provisional  
Directors.

**20.** No person shall be elected or appointed as a Director thereafter, unless he is a shareholder, owning stock absolutely in his own right, and not in arrear in respect of any call thereon.

Qualifications  
of Directors.

**21.** The after Directors of the Company shall be elected by the shareholders in general meeting of the Company assembled at some place within this Province, at such times, in such wise, and for such term, not exceeding two years, as the letters patent, or (in default thereof) the by-laws of the Company may prescribe.

After Direc-  
tors, to be  
elected.

**22.** In default only of other express provisions in such be half, by the letters patent or by-laws of the Company ;

Mode of  
election.

1. Such election shall take place yearly, all the members of the Board retiring, and (if otherwise qualified) being eligible for re-election ;

Yearly.

2. Notice of the time and place for holding general meetings of the Company shall be given at least ten days previously thereto, in some newspaper published at or as near as may be to the office or chief place of business of the Company ;

Notice.

3. At all general meetings of the Company, every shareholder shall be entitled to as many votes as he owns shares in the Company, and may vote by proxy ;

Votes.

4. Elections of Directors shall be by ballot ;

Ballot.

5. Vacancies occurring in the Board of Directors may, unless the by-laws otherwise direct, be filled for the unexpired remainder of the term, by the Board, from among the qualified shareholders of the Company ;

Vacancies.

President.

6. The Directors shall, from time to time, elect from among themselves, a President of the Company; and shall also name, and may remove at pleasure, all other officers thereof.

Failure to  
elect Direc-  
tors, how  
remedied.

**23.** If at any time an election of Directors be not made, or do not take effect at the proper time, the Company shall not be held to be thereby dissolved; but such election may take place at any general meeting of the Company duly called for that purpose; and the retiring Directors shall continue in office until their successors are elected.

Powers and  
duties of  
Directors.

By-laws.

**24.** The Directors of the Company shall have full power in all things to administer the affairs of the Company; and may make, or cause to be made, for the Company, any description of contract which the Company may by law enter into; and may, from time to time, make by-laws not contrary to law, nor to the letters patent of the Company, nor to this Act; to regulate the allotment of stock; the making of calls thereon; the payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and of the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the number of the Directors, their term of service, the amount of their stock qualification; the appointment, functions, duties and removal of all agents, officers and servants of the Company; the security to be given by them to the Company; their remuneration; the time at which, and place where the annual meetings of the Company shall be held; the calling of meetings, regular and special, of the Board of Directors, and of the Company; the quorum; the requirements as to proxies; and the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the Company; and may, from time to time, repeal, amend or re-enact the same: but every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the Company, duly called for that purpose, shall only have force until the next annual meeting of the Company; and in default of confirmation thereat, shall, at and from that time only, cease to have force; and in that case no new by-law to the same or like effect shall have any force, until confirmed at a general meeting of the Company; Provided always that one fourth part in value of the shareholders of the Company shall at all times have the right to call a special meeting thereof, for the transaction of any business specified in such written requisition and notice as they may issue to that effect: Provided also, that no by-law for the allotment or sale of stock at any greater discount or at any less premium than what has been previously authorized at a general meeting, or for the payment of the president or any director, shall be valid or acted upon until the same has been confirmed at a general meeting.

Confirmation  
of by-laws.

Special general  
meetings.

Disposal of  
stock.

Payment to  
president or  
director.



**25.** In case a by-law, authorizing the same, is sanctioned by a vote of not less than two-thirds in value, of the said shareholders, then present in person or by proxy, at a general meeting duly called for considering the by-law, the directors may borrow money upon the credit of the company, and issue the bonds, debentures, or other securities of the company, and may sell the said bonds, debentures, or other securities at such prices as may be deemed expedient or be necessary; but no such debentures shall be for a less sum than one hundred dollars; Power to issue bonds, debentures, and

2. The directors may, under the like sanction, hypothecate, to grant mortgages. mortgage, or pledge the real or personal property of the company, to secure any sum or sums borrowed for the purposes thereof.

**26.** A copy of any by-law of the Company, under their seal, and purporting to be signed by any officer of the Company, shall be received as *prima facie* evidence of such by-law in all Courts of Law or Equity in Ontario. Evidence of by-laws.

**27.** The stock of the Company shall be deemed personal estate, and shall be transferable, in such manner only, and subject to all such conditions and restrictions as by this Act, or by the letters patent or by-laws of the Company, are or shall be prescribed. Stock, personal estate.

**28.** If the letters patent make no other definite provision, the stock of the Company, so far as it is not allotted thereby, shall be allotted when and as the Directors, by by-law or otherwise, may ordain. Allotment stock.

**29.** The Directors of the Company may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such times and places, and in such payments or instalments, as the letters patent, or this Act, or the by-laws of the Company may require or allow; and interest shall accrue and fall due, at the rate of six per centum per annum, upon the amount of any unpaid call, from the day appointed for payment of such call. Calling in instalments.

**30.** Not less than ten per centum upon the allotted stock of the Company shall, by means of one or more calls, be called in and made payable within one year from the incorporation of the Company; the residue, when and as the by-laws of the company shall direct. Calls. Ten per cent. within first year.

**31.** The Company may enforce payment of all calls and interest thereon, by action in any competent Court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, Enforcement of payment of calls, by action.

more, stating the number of calls and the amount of each, whereby an action hath accrued to the Company under this Act; and a certificate under their seal, and purporting to be signed by any officer of the Company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all Courts of Law and Equity as *prima facie* evidence to that effect.

Forfeiture  
of shares.

**32.** If, after such demand or notice as by the letters patent or by-laws of the Company may be prescribed, any call made upon any share or shares be not paid within such time as by such letters patent or by-laws may be limited in that behalf, the Directors, in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the Company, and may be disposed of as by by-laws or otherwise they shall ordain.

Restriction as  
to transfers.

**33.** No share shall be transferable, until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon.

Shareholders  
in arrear not  
to vote.

**34.** No shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the Company.

Record  
book to be  
kept; and  
what to  
contain.

**35.** The Company shall cause a book or books to be kept by the Secretary, or by some other officer especially charged with that duty, wherein shall be kept recorded;

1. A copy of the letters patent incorporating the Company, and of any supplementary letters patent for increasing or decreasing the capital stock thereof, and of all by-laws thereof;

2. The names, alphabetically arranged, of all persons who are or have been shareholders;

3. The address and calling of every such person while such shareholder;

4. The number of shares of stock held by each shareholder;

5. The amounts paid in, and remaining unpaid, respectively, on the stock of each shareholder;

6. All transfers of stock, in their order as presented to the Company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and—

7. The names, addresses and calling of all persons who are or have been Directors of the Company; with the several dates at which each ever became or ceased to be such Director.

Refusal to  
enter transfer  
if calls not  
paid.

**36.** The Directors may refuse to allow the entry, into any such book, of any transfer of stock whereon any call has been made which has not been paid in.

Transfer valid  
only after  
entry.

**37.** No transfer of stock, unless made by sale under execution, shall be valid for any purpose whatever, save only as exhibiting

exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferor to the Company and their creditors, until the entry thereof has been duly made in such book or books.

**38.** Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the Company, and their personal representatives, at the office or chief place of business of the Company ; and every such shareholder, creditor or representative, may make extracts therefrom.

Books to be open for inspection.

**39.** Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any suit or proceeding against the Company or against any shareholder.

Books to be *prima facie* evidence.

**40.** No Director, officer or servant of the Company, shall knowingly make or assist to make any untrue entry in any such book, or shall refuse or neglect to make any proper entry therein ; and any person violating the provisions of this section shall, besides being punished criminally, be liable in damages for all loss or injury which any person interested may have sustained thereby.

Penalty for false entries.

**41.** Any director or officer refusing to permit any person entitled thereto to inspect such book or books, or make extracts therefrom, shall forfeit and pay to the party aggrieved the sum of one hundred dollars ; and in case the amount be not paid within seven days after the recovery of judgment, the court in which the judgment is recovered, or a judge thereof, may direct the imprisonment of the offender for any period not exceeding three months, unless the amount with costs be sooner paid.

Liability for refusal to allow inspection of books

**42.** Every company incorporated under this Act shall, on or before the first day of February, in every year, make a list in triplicate (verified as is hereinafter required) of all persons who on the thirty-first day of December previously, were shareholders of the company ; and such list shall state the names alphabetically arranged, and the addresses and callings of all such persons, the amount of stock held by them, and the amount unpaid thereon ; and shall also make out a summary, verified as hereinafter required, of the state of the affairs of the company, on the thirty-first day of December preceding, and which shall contain the following particulars ;

Lists of shareholders and statement of affairs to be made yearly, with other particulars.

Firstly, The names and residences and post office addresses of the directors, secretary, and treasurer of the company ;

Secondly, The amount of the capital of the company and the number of shares into which it is divided ;

Thirdly, The number of shares taken from the commencement of the company up to the thirty-first day of December preceding the date of the summary ;

Fourthly,



Fourthly, The amount of stock (if any) issued free from call ;  
if none is so issued, this fact to be stated ;

Fifthly, The amount issued subject to call ;

Sixthly, The amount of calls made on each share ;

Seventhly, The total amount of calls received ;

Eighthly, The total amount of calls unpaid ;

Ninthly, The total amount of shares forfeited ;

Tenthly, The total amount of shares which have never been  
allotted or taken up ;

Eleventhly, The total amount for which shareholders of the  
company are liable in respect of unpaid stock held by them ;

Twelfthly, The said summary may also, after giving the in-  
formation hereinbefore required, give in a concise form, such  
further information respecting the affairs of the company, as  
the directors may consider expedient ;

Mode of  
writing the  
same,

(2.) The said list and summary, and every duplicate thereof  
required by this Act, shall be written or printed on only one  
side of the sheet or sheets of paper containing the same ;

verification  
thereof,

(3.) The said list and summary shall be verified by the affi-  
davit of the president and secretary, and if there be no such  
officers, or they, or either of them are or is at the proper time,  
out of this Province, or otherwise unable to make the same, by  
the affidavit of the president or secretary and one of the  
directors, or of two of the directors, as the case may require ;  
and if the president or secretary do not make or join in the  
affidavit, the reason thereof shall be stated in the substituted  
affidavit ;

posting there-  
of,

(4.) One of the duplicate lists and summaries, with the affi-  
davit of verification, shall be posted in the head office of the  
company in Ontario, on or before the second day of February ;  
and the company shall keep the same so posted, until another  
list and summary shall be posted under the provisions of this  
Act ; and the other two triplicate lists and summaries of veri-  
fication shall be deposited with the Secretary of the Province of  
Ontario, on or before the eighth day of February next, after  
the time hereinbefore fixed for making the summary ;

deposit with  
Provincial  
Secretary,

penalty for  
default.

(5.) If any company makes default in complying with the  
provisions of this section, such company shall incur a penalty  
of twenty dollars every day during which such default continues,  
and every director, manager or secretary of the company, who  
shall knowingly and wilfully authorize or permit such default.  
shall incur the like penalty.

Company not  
to be liable in  
respect of  
trusts, &c.

**43.** The Company shall not be bound to see to the execution  
of any trust, whether express, implied or constructive, in respect  
of any share ; and the receipt of the shareholder in whose name  
the same may stand in the books of the Company, shall be a  
valid and binding discharge to the Company for any dividend  
or money payable in respect of such share, and whether or not  
notice of such trust has been given to the Company ; and the  
Company shall not be bound to see to the application of the  
money paid upon such receipt.

**44.** Every contract, agreement, engagement or bargain made and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Company by any agent, officer or servant of the Company, in general accordance with his powers as such under the by-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law, or special vote or order; nor shall the party so acting as agent, officer or servant of the Company, be thereby subjected individually to any liability whatsoever to any third party therefor; Provided always that nothing in this Act shall be construed to authorise the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a Bank, or to engage in the business of banking or insurance.

Contracts, &c.,  
when to be  
binding on  
company.

Proviso as to  
notes, banking  
and insurance.

**45.** No Company shall use any of its funds in the purchase of stock in any other Corporation, unless expressly authorized by the by-laws confirmed at a general meeting.

Not to purchase stock in other corporations.

**46.** Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the Company, to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor, before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution, shall, subject to the provisions of the next section, be the amount recoverable with costs, against such shareholders: Provided that any shareholders may plead by way of defence, in whole or in part, any set off which he could set up against the company, except a claim for unpaid dividends, or a salary, or allowance as a president or director.

Liability of shareholders.

**47.** The Shareholders of the Company shall not as such be held responsible for any act, default, or liability whatsoever, of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the unpaid amount of their respective shares in the capital stock thereof.

limited to amount of stock.

**48.** No person holding stock in the Company as an executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a shareholder; but the estates and funds in the hands of such person shall be liable in like manner, and to the same extent, as the testator or intestate or the minor, ward or interdicted person, or the person interested in such trust fund, would be, if living and competent to act and holding such stock in his own name; and no person holding such

Trustees, &c.,  
not personally  
liable,

Mortgagees.

such stock as collateral security, shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same, and shall be liable as a shareholder accordingly.

Trustee, etc.,  
may vote.

**49.** Every such executor, administrator, tutor, curator, guardian, or trustee, shall represent the stock in his hands, at all meetings of the Company, and may vote accordingly as a shareholder; and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder.

Liability of  
Directors de-  
claring a divi-  
dend when  
Company is  
insolvent, &c.

**50.** The Directors of the Company shall not declare or pay any dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent, or diminishes the capital stock thereof, but if any Director present when such dividend is declared do forthwith, or if any Director then absent do within twenty-four hours after he shall have become aware thereof and able so to do, enter on the minutes of the Board of Directors his protest against the same, and within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to, the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself from liability.

How a Direc-  
tor may avoid  
such liability.

No loan by  
Company to  
shareholder,

**51.** No Loan shall be made by the Company to any shareholder, and if such be made, all Directors and other officers of the Company making the same, or in anywise assenting thereto, shall be jointly and severally liable to the Company for the amount of such loan, and also to third parties, to the extent of such loan, with legal interest, for all debts of the Company contracted from the time of the making of such loan to that of the repayment thereof: But this section shall not apply to a Building Society, or to a Company incorporated for the loan of money, in any manner to which the jurisdiction of this Legislature, or the meaning of this Act applies.

except in cer-  
tain cases.

Liability of  
Directors for  
wages.

**52.** The Directors of the Company shall be jointly and severally liable to the labourers, servants and apprentices thereof, for all debts not exceeding one year's wages, due for services performed for the Company whilst they are such Directors respectively; but no Director shall be liable to an action therefor, unless the Company has been sued therefor within one year after the debt became due, nor yet unless such Director is sued therefor within one year from the time when he ceased to be such Director, nor yet before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the Directors.

Service of  
process on the  
Company.

**53.** Service of all manner of summons or writ whatever upon the Company, may be made by leaving a copy thereof at  
th



the office or chief place of business of the Company, with any grown person in charge thereof, or elsewhere with the President or Secretary thereof; or if the Company have no known office or chief place of business, and have no known President or Secretary, then, upon return to that fact duly made, the Court shall order such publication as it may deem requisite to be made in the premises, for at least one month, in at least one newspaper; and such publication shall be held to be due service upon the Company.

**54.** Any description of action may be prosecuted and maintained between the Company and any Shareholder thereof.

Actions between Company and shareholders.

**55.** In an action or other legal proceeding, it shall not be requisite to set forth the mode of incorporation of the Company, otherwise than by mention of it under its corporate name, as incorporated by virtue of letters patent, or of letters patent and supplementary letters patent, as the case may be, under this Act; and the letters patent or supplementary letters patent themselves, or any exemplification or copy thereof under the great seal, shall be conclusive proof of every matter and thing therein set forth.

Mode of incorporation, &c., how to be set forth in legal proceedings.

**56.** The charter of the Company shall be forfeited by non-user during three consecutive years at any one time, or if the Company do not go into actual operation within three years after it is granted: and no declaration of such forfeiture by any Act of the Legislature shall be deemed an infringement of such charter.

Forfeiture of charter for non-user.

**57.** The Company shall be subject to such further and other provisions as the Legislature of Ontario may hereafter deem expedient, in order to secure the due management of its affairs and the protection of its shareholders and creditors.

Future legislation.

**58.** The Lieutenant-Governor in Council may from time to time establish, alter, and regulate the tariff of the fees to be paid on applications for letters patent and supplementary letters patent under this Act; may designate the department or departments through which the issue thereof shall take place; and may prescribe the forms of proceeding and record in respect thereof, and all other matters requisite for carrying out the objects of this Act;

Fees on letters patent, &c., to be fixed by Order in Council.

2. Such fees may be made to vary in amount, under any rule or rules—as to nature of Company, amount of capital, and otherwise—that may be deemed expedient;

3. No step shall be taken in any Department towards the issue of any letters patent or supplementary letters patent under this Act, until after the amount of all fees therefor shall have been duly paid.

**59.** The Act chaptered sixty-three of the Consolidated Statutes of Canada, intituled: “An Act respecting Joint Stock Companies

Acts repealed. Con. Stat. for Can., c. 63.

23 V., c. 31.

27-28 V., c. 23.

Part of Con.  
Stat. Can.,  
c. 67.Existing Com-  
panies to  
remain.Pending  
applications  
for charters.Companies  
existing or  
being formed  
may apply  
under this  
Act.

for manufacturing, mining, mechanical, chemical or other purposes, or for the erection of public hotels or baths and bath-houses, or the opening and using of salt or mineral springs, or for carrying on fishing,"—the Act chaptered thirty-one of the statutes of the late Province of Canada passed in the twenty-third year of Her Majesty's reign, and intituled: "An Act respecting the judicial incorporation of Joint Stock Companies for certain purposes;" and the Act chaptered twenty-three of the statutes of the said late Province passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, and intituled, "An Act to authorise the granting of charters of incorporation to manufacturing, mining, and other companies,"—and all Acts extending or amending the same, or any of them; and sections one to seven both inclusive and sections ten, eleven, twelve and thirteen of chapter sixty-seven of the Consolidated Statutes of Canada, intituled "An Act respecting Electric Telegraph Companies,"—are hereby repealed in so far as regards the formation of incorporation hereafter, in virtue of any of the provisions thereof, of any company the incorporation of which is subject to the control of the Legislature of Ontario;

2. But every such Company heretofore incorporated by virtue of any of such Acts, shall so remain, and no provision of such Acts shall, as touching any such Company, be in anywise affected by this Act;

3. And every application for the incorporation of any Company, the incorporation of which is subject to the control of the Legislature of Ontario, pending at the time of the passing of this Act, under the said Act passed in the twenty-third year of Her Majesty's reign, or under the said Act chapter twenty-three of the Acts passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, may be proceeded with, and incorporation by judicial decree or letters patent (as the case may be) may be obtained in virtue thereof, as though this Act had not been passed.

**60.** Any company for purposes or objects within the scope of this Act, heretofore incorporated, whether under special or a general Act, and now being a subsisting and valid corporation, or in respect of which proceedings for incorporation are now being had, and under which it may hereafter become incorporated, may apply for Letters Patent under this Act; and the Lieutenant-Governor in Council, upon proof that notice of the application has been inserted for four weeks in the *Ontario Gazette*, may direct the issue of Letters Patent incorporating the shareholders of the said company as a company under this Act, and thereupon all the rights or obligations of the former company shall be transferred to the new company, and all proceedings may be continued and commenced by or against the new company, that might have been continued or commenced by or against the old company; and it shall not be necessary in any such Letters Patent to set out the names of the shareholders

ers ; and after the issue of the Letters Patent, the company shall be governed in all respects by the provisions of this Act, except that the liability of the shareholders to creditors of the old company shall remain as at the time of the issue of the Letters Patent.

**61.** Where a notice has been duly published according to the rules of the Legislative Assembly, that an application would be made to the Legislature at its present session, for an Act incorporating any company, the incorporation whereof is sought for objects, for which incorporation is authorized by this Act, or where a notice has been published before the passing of this Act, and in contemplation of its passing, a notice of an application for incorporation under this Act shall not be necessary ; and the Lieutenant-Governor in Council, upon the report of the proper Minister or Officer, that proof has been furnished, that the other requirements of this Act have been complied with, may grant a charter of incorporation to such company ; In any application under this section, the facts required to be stated in the petition may be verified in any manner that the Provincial Secretary, or other officer charged to report thereon, may deem sufficient, and in such case, it shall not be requisite that the petition shall be signed by all the shareholders, to be named in the Letters Patent, or that the memorandum of association shall be in accordance with the requirements of the fourth sub-section of section five.

Cases wherein notice given of intention to apply for an Act of Parliament this session.

**62.** Proof of any matter which may be necessary to be made under this Act, may be made by affidavit before any Justice of the Peace or Commissioner for taking affidavits, who are hereby authorized and empowered to administer oaths for that purpose.

Proofs may be by affidavit.

**63.** The Company shall be subject to the provisions of any Act of this or any future Session, for the winding up of Joint Stock Companies.

Winding up Acts to apply.

#### SCHEDULE A.

Public notice is hereby given, that under the Ontario Joint Stock Companies Letters Patent Act, 1874, letters patent have been issued under the great seal of the Province of Ontario, bearing date the                      day of                      incorporating *[here state names, address and calling, of each corporator named in the letters patent]*, for the purpose of *[here state the undertaking of the company, as set forth in the letters patent]*, by the name of *[here state name of the company, as in the letters patent]* with a total capital stock of                      dollars, divided into                      shares of                      dollars each.

Dated at the office of the Provincial Secretary of Ontario, this                      day of

A. B.,  
Provincial Secretary.  
SCHEDULE



## SCHEDULE B.

Public notice is hereby given, that under the Ontario Joint Stock Companies Letters Patent Act, 1874, supplementary letters patent have been this day issued under the great seal of the Province of Ontario, bearing date the            day of            whereby the total capital stock of [*here state the name of the company*] is increased [*or decreased, as the case may be*] from            dollars to            dollars. [*or whereby the capital stock of the company of            shares of \$            each is subdivided into            shares of \$            each.*]

Dated at the office of the Provincial Secretary of Ontario, this            day of

A. B.  
Provincial Secretary.

## CAP. XXXVI.

## An Act to provide for the Inspection of Railways.

[Assented to 24th March, 1874.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Notice of intention to open Railway to be given to Commissioner of Public Works.

Powers of Board of Railway Commissioners and Governor in Council to be exercised by Commissioner of Public Works and the Lieutenant-Governor.

1. With respect to Railways which come within the legislative authority of this Province and to which the provisions of the Railway Act, chapter sixty-six of the Consolidated Statutes of Canada, and the Acts amending the same apply, the notice required by the one hundred and sixty-fifth section of the said Railway Act to be given to the Board of Railway Commissioners, is henceforward to be given to the Commissioner of Public Works of this Province; and all the powers, rights and duties which are by the said Acts given and assigned to the Board of Railway Commissioners, shall be exercised and performed by the said Commissioner of Public Works; and the powers given by the said Acts to the Governor in Council shall be possessed and exercised by the Lieutenant-Governor in Council; and the said Acts shall hereafter be read and construed as if the words "Commissioner of Public Works," and "Commissioner" were respectively substituted for the words "Board of Railway Commissioners" and "Board," wherever the latter words occur in said Acts, and as if the words "Lieutenant-Governor" were substituted for the word "Governor," wherever the word "Governor" occurs in said Acts.

2. The returns required by the one hundred and fifteenth section of the said Act, to be made to the three branches of the Legislature of the late Province of Canada, are henceforward to be made to the Provincial Secretary of Ontario. Returns.

3. Sections one hundred and seventy-eight and one hundred and seventy-nine of chapter sixty-six of the Consolidated Statutes of Canada are hereby repealed. C.S.C. cap. 66  
ss. 178, 179  
repealed.

## CAP. XXXVII.

### An Act respecting the Railway Fund and the Railway Subsidy Fund.

[Assented to 24th March, 1874.]

**W**HEREAS the Legislature has appropriated the sum of one million nine hundred thousand dollars out of the Consolidated Revenue Fund of this Province for aiding the construction of railways, and has enacted that such sum shall form the Railway Fund, and has also appropriated the sum of one hundred thousand dollars yearly for twenty years from the passing of the Act intituled, "An Act to make further provision in aid of Railways" out of the said Consolidated Revenue Fund, and has enacted that such yearly sums shall form the Railway Subsidy Fund: And whereas for more effectually securing the object of the Legislature in establishing the said funds, it is expedient to amend certain of the provisions of the Acts relating thereto, and to make certain further provisions: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Every Order in Council made under the provisions of the said recited Acts or of this Act, and which Order is or becomes operative by the ratification of the Legislative Assembly, shall be so construed and read that upon the fulfilment of the conditions contained in such Order in Council, the Lieutenant-Governor in Council may, at his option, direct that the payment by the said Order in Council authorized may be made out of the Railway Fund, or out of the Railway Subsidy Fund, from any part of the said funds respectively which has not been exhausted by actual payments directed to be made thereout by Orders in Council; and in directing the said payment at the yearly rate of one hundred and ninety-four dollars forty cents per mile of railway payable half yearly for the full period of twenty years computed from the first day of January, one thousand eight hundred and seventy-two, such yearly payment shall be deemed and On fulfilment of conditions of the Order in Council, payment may be directed.

Equivalent of yearly payment to payment in hand.

and taken as equivalent to the payment in hand at the rate of two thousand dollars per mile of railway, and *vice versa*, and in the like proportion where the grant in aid per mile is greater or less than at the said rate of two thousand dollars per mile, or the said yearly rate of one hundred and ninety-four dollars forty cents per mile, notwithstanding the same may be less than one hundred and twenty or in excess of two hundred and forty dollars per annum.

Direction to  
pay.

Charge created  
by the Order.

**2.** In every case where the conditions of the Order in Council in respect of the grant of aid have been fulfilled and the railway company is entitled to actual payment in hand or its equivalent yearly payments, the Lieutenant-Governor in Council may, by Order in Council, direct that such payments may be made out of the said respective Railway Funds to such railway company accordingly; and such Order in Council shall operate to charge, in favour of such railway company, the fund out of which such payment or payments is or are directed to be made, with the payment or payments thereof; and such railway company shall thereupon become entitled to payment of the said amounts at the times and in the manner mentioned in such Order in Council without any abatement.

Annuling the  
Order,

**3.** In any case where an Order in Council is passed under the provisions of the said recited Acts, and is operative by the ratification of the Legislative Assembly, and has not lapsed through the non-performance or non-observance of any of the conditions in that behalf in the said order contained, the Lieutenant-Governor nevertheless upon being satisfied that there is no reasonable doubt that such railway or portion or portions thereof in respect of which the grant of aid is made will not be completed within the period mentioned in the Act incorporating such railway company and limited for the completion of such railway or of such portion or portions thereof, may, by Order in Council, declare that the said Order in Council for the grant of aid ought to become null and void in respect of the railway or portion or portions thereof so incomplete, and that the said grant of aid should lapse, and, upon the ratification of such Order by resolution of the Legislative Assembly, the said Order in Council for grant of aid and the said grant of aid in respect of said incomplete railway or portion or portions thereof shall be annulled and avoided accordingly.



## CAP. XXXVIII.

## An Act to incorporate the Belleville and North Hastings Railway Company.

[Assented to 24th March, 1874.]

**W**HEREAS, the construction of a Railway, from some point on the Grand Junction Railway between Wallbridge's Mills, in the Township of Sidney, and the Village of Stirling, to the Village of Madoc, or some point in the vicinity thereof, and thence to the Seymour Iron Mine, in the Township of Madoc, in the County of Hastings, and thence to the Free Grant Districts, in the rear part of the said County of Hastings, has become necessary for the development of the resources of the County of Hastings, and the country adjacent to that County :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**1.** Henry C. Lloyd, A. F. Wood, Hon. Lewis Wallbridge, James Brown, M.P., McKenzie Bowell, M.P., Thos. Kelso, R. S. Patterson, N. B. Falkiner, S. B. Burdett, Thomas Emo, James Archibald, Edmund D. O'Flynn, Peter Vankleek, E. Mills, Henry Hogan, B. Furniss, S. B. Mower, J. B. Crosby, Robert Duff, W. L. Forsyth, T. Judah, Duncan Robertson, M. Tait, C. Bouthillier, R. Kane, G. H. Boulter, M.P.P., and Jas. Urquhart, together with such persons and corporations, as shall in pursuance of this Act, become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Belleville and North Hastings Railway Company."

Incorporation.

Corporate name.

**2.** The several clauses of the Railway Act of the consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines, and penalties, and their prosecution," "by-laws, notices, &c.," working of the railway," and "general provisions," shall be incorporated with, and be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act, so incorporated with this Act.

Certain clauses of the Railway Act to apply.

Meaning of words "this Act."

Location of  
line.

3. The said company shall have full power, under this Act, to construct a railway from any point on the Grand Junction Railway, between Wallbridge's Mills, and the Village of Stirling in the County of Hastings, to the Village of Madoc, or some point in the vicinity thereof, and thence to the Seymour Iron Mine, in the Township of Madoc, and thence to the Free Grant Districts, in the rear part of the said County of Hastings, with full power to pass over any portion of the country between the points aforesaid, and to carry the said railway through the crown lands lying between the points aforesaid; the said company may fix any place in the Township of Madoc, as the terminus of their railway, and shall not be bound to construct their railway to the free grant districts, but may hereafter, within the time hereby limited, whensoever they shall deem expedient, extend or construct their railway to the free grant districts.

Gauge.

4. The gauge of the said railway shall be not less than three feet six inches, but may be made wider in the discretion of the directors of the said railway.

Form of con-  
veyances.

5. Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the schedule "A." hereunder written, or to the like effect, and such conveyances shall be registered by duplicates thereof, in such manner, and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries, and certificates thereof, and certificate endorsed on the duplicate thereof.

Registration.

Provisional  
directors.

6. From and after the passing of this Act, the said Henry C. Lloyd, A. F. Wood, Hon. Lewis Wallbridge, Jas. Brown, M.P., McKenzie Bowell, M.P., Thomas Kelso, R. S. Patterson, N. B. Falkiner, S. B. Burdett, Thos. Emo, Jas. Archibald, Edmund D. O'Flynn, Peter Vankleek, E. Mills, Henry Hogan, B. Furniss, S. B. Mower, J. B. Crosby, Robt. Duff, W. L. Forsyth, T. Judah, Duncan Robertson, M. Tait, C. Bouthillier, R. Kane, G. H. Boulter, M.P.P., and Jas. Urquhart, shall be the provisional directors of the said company.

Powers of pro-  
visional di-  
rectors.

7. The said provisional directors, until others shall be named, as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon; to associate with themselves thereon not more than three other persons, who, upon being so named, shall become and be provisional directors of the company equally with themselves; to open stock books, to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto, for the election of other directors, as hereinafter provided; and with all such other powers, as under the Railway Act, are vested in such board.

8. The capital of the company hereby incorporated shall be three hundred thousand dollars, (with power to increase the same in the manner provided by the Railway Act,) to be divided into six thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act, and to no other purpose whatever; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any County, Town, Township or Village, on the line of such works, may pay out of the general funds of such municipality, its fair proportion of such preliminary expenses, which shall hereafter be refunded to such municipality from the capital stock of the company, or be allowed to is in payment of stock.

Capital stock.

Application of money.

9. On the subscription for shares of the said capital stock each subscriber shall pay forthwith to the directors for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of the said company.

Ten per cent. of the stock to be paid up.

10. Thereafter calls may be made by the directors for the time being as they shall see fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber.

Future calls.

11. The said the directors elected by the shareholders may pay or agree to pay in paid up stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional directors or not, and any agreement so made shall be binding on the company.

Directors may make certain payments in paid up stock or in bonds.

12. As soon as shares to the amount of thirty thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank having an office in the County of Hastings, which shall on no account be withdrawn therefrom unless for the service of the company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid

General meeting for the purpose of election of directors.



paid up ten per centum thereof for the purpose of electing directors to the said company.

Shareholders may receive interest to be charged against the capital.

**13.** From the date of the first general meeting hereinafter mentioned, during the construction of the said railway, it shall be lawful for the directors to pay to the shareholders interest at a rate not exceeding seven per centum on the amount of the stock paid up, the same to be charged against the capital of the company as and deemed to be a part of the expenses of the construction of the said railway; such interest to be paid half-yearly from the date of the said first general meeting.

Directors may accept payment in full of stock.

**14.** It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

How meeting may be called if provisional directors neglect to call the same.

**15.** In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than five hundred dollars of the said capital stock, and who have paid up all calls thereon

Notice of general meeting. Election of directors.

**16.** In either case notice of the time and place of holding such general meeting shall be given in the *Ontario Gazette*, and in one local newspaper once in each week, for the space of at least four weeks, and such meeting shall be held in the County of Hastings, at such place therein and on such day as may be named by such notice: At such general meeting the subscribers for the capital stock assembled who shall have so paid ten per centum thereof, with such proxies as may be present shall choose seven persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Annual meetings.

**17.** Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the County of Hastings, and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and in one local newspaper once in each week.

Special general meetings.

**18.** Special general meetings of the shareholders of the said company may be held at such places in the County of Hastings, and

and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company.

**19.** Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting. Scale of votes.

**20.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding a least ten shares of stock in the company, and unless he has paid up all calls due thereon. Qualification of directors.

**21.** Any meeting of the directors of the said company regularly summoned, at which not less than four directors shall be present, shall be competent to exercise and use all and every of the powers hereby invested in the said directors. Quorum of directors.

**22.** The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift, or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid to company from Government, &c.

**23.** Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situated, may aid the said company by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto, instead of sections four hundred and seventy-two, four hundred and seventy-three and four hundred and seventy-four of the Municipal Institutions Act: Provided always, that no such aid shall be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality, (as the case may be,) as provided in Municipal Act for the creation of debts. Aid from municipalities.

**24.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—  
1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality Manner of submitting by-laws to ratepayers.

municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters ;

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act ;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders being duly qualified voters as aforesaid ;

4. In the case of two or more minor municipalities or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities, or sections proposed to be grouped, being duly qualified voters as aforesaid.

Aid from portions of county municipalities.

**25.** Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous ; but no minor municipality or section thereof which is subject to a county or other by-law in aid of the same railway shall be thus grouped without the consent of the majority of the duly qualified voters therein, expressed to that end, when voting upon the proposed by-law.

Proceeding on opposing submission of by-law.

**26.** In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein : and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works, for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom ; and the decision of any two of them shall be final ; and the by-law so confirmed or amended, shall thereupon at the option of the railway company be submitted by the council to the duly qualified voters ; and in case

Arbitration.

the



the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company, or the county as the arbitrators may order.

**27.** In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality, and the voting thereon shall be limited to the duly qualified voters in such portions only.

Rate to be levied only on the part of municipality granting bonus.

**28.** Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Railway to make deposit for expenses.

**29.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

Interpretation of the words "minor municipality."

**30.** No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or section affected thereby; but for the purpose of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act.

By-laws to be valid, though the annual rate exceed two cents in the dollar.

**31** Such by-law shall in each instance provide:

Provisions of by-law.

1. For raising the amount petitioned for in the municipality or portions of the county municipality, (as the case may be,) mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law;

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures, within twenty years, with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest; which debentures the respective municipal councils, warden, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively: Provided, that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality

pality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in any such case apply the moneys received therefor in payment of the said debentures and interest.

If by-law defeated limit of time for submitting similar by-law.

**32.** In case the by-law submitted is not approved of, no other by-law which is in substance the same shall be submitted to the voters of the same municipality or portions of the county municipality, until after the expiration of six months from such rejection.

If by-law carried, council to pass the same,

**33.** In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same, shall read the said by-law a third time and pass the same.

and issue the debentures.

**34.** Within one month after the passing of such by-law, the said council, and the warden, reeve, or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

Corporation may exchange their debentures for those of the townships.

**35.** The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township, a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

Trustees for municipal debentures.

**36.** Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor, shall within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided that if the said Council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the said company; and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

**37.** The said trustees shall receive the said debentures or bonds in trust: firstly, under the direction of the company, to convert the same into money; secondly to deposit the amount realized from the sale in some of the chartered banks, having an office in this Province, in the name of "The Belleville and North Hastings Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule "B" hereto, or to the like effect setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for, is in pursuance of the terms and conditions of the by-law, and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

Trusts on which  
debentures are  
to be held.

**38.** The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees to be as valid and binding as if the three had agreed.

Trustees fees,  
act of two  
govern.

**39.** Any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality; and such director shall be in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

Municipal  
directors.

**40.** Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Company may  
receive gifts of  
lands.

**41.** It shall further be lawful for the council of any municipality in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment of taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding

Municipalities  
may exempt  
company from  
taxation.



exceeding twenty-one years; and any such by-law shall not be repealed, unless in conformity with a condition contained therein.

Council may extend time.

**42.** It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonuses.

Councils may contribute towards preliminary expenses.

**43.** It shall be lawful for the council of any township or county municipality interested in the said extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all, or part of the costs, charges, and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses; Provided always that no one such bonus shall exceed five thousand dollars.

Municipalities may agree as to application of bonus.

**44.** Whenever any municipality or portion of a municipality shall aid, loan, guarantee or, give money or bonds by way of bonus, to aid the making, equipment, and completion of said extension and branches, or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same.

Issue of bonds by the company.

**45.** The directors of the said company after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding twelve thousand dollars per mile of railway, to be signed by the president or vice-president of the said company and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be first and preferential claims and charges upon the said undertaking and the property of the company real and personal then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking, and the property of the company as aforesaid: And provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications

Rights of bondholders at annual meetings.

for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

**46.** All such bonds, debentures, mortgages, and other securities and coupons, and interest warrants thereon respectively, may be made payable to bearer, and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name. Securities may be payable to bearer.

**47.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary and treasurer, be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. Company may make promissory notes, etc. But not to be circulated as money.

**48.** And whereas doubts may arise as to the extent of the powers conferred by the ninth, tenth, and eleventh sections of chapter sixty-six of the Consolidated Statutes of Canada, and it is expedient to remove the same, be it therefore enacted and declared, that the said company shall have power to acquire or take, hold or alienate lands for borrowing pits, ballast pits and quarries, and for branch lines, or other access to any such lands, and also for all other purposes mentioned in or intended by the ninth sub-section of the said ninth section of the said Act, as fully in every respect as they may acquire or take, hold and alienate lands for the purpose of constructing their railway, and it shall not be requisite for such lands to have been shown in the map or plan and book of reference of the said railway; and the manner in which the same may be taken and acquired shall be as provided by the Act passed in the thirty-fifth year of Her Majesty's reign, and chaptered twenty-five. Power to acquire lands quarries, etc.

Powers as to  
lands for sta-  
tions, etc.

**49.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same or part thereof from time to time as they may deem expedient.

Power to make  
agreements  
with other  
lines as to  
running  
powers, etc.

**50.** The company shall have power to enter into and make arrangements with the Grand Junction Railway Company and the Grand Trunk Railway Company for running powers over their roads, for the use of docks, wharves, stations, or for any other purpose that may be in the interest of the Belleville and North Hastings Railway.

Commence-  
ment and  
completion of  
railway.

**51.** The said railway shall be commenced within two years, and completed within four years to the village of Madoc, and within five years to the Seymour Iron Mines, and within ten years to some point in the Free Grant Territory in the northern part of the county of Hastings, after the passing of this Act, or else the charter shall be forfeited as regards so much of the railway not completed.

Power to  
acquire land  
on Bay of  
Quinté for  
docks, etc.

**52.** The said company shall have the right to acquire by purchase, or in the same manner that provision is made for acquiring right of way, land sufficient on the Bay of Quinté adjacent to or adjoining the docks at the terminus of the Grand Junction Railway, for the purposes of depositing iron ore, coal, lumber, cordwood and other freight, and the privilege of acquiring water front and constructing wharves and docks on the said Bay of Quinte.

## SCHEDULE A.

(See Section 5.)

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by the Belleville and North Hastings Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway,



way, to hold with the appurtenances unto the said The Belleville and North Hastings Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*) ; and I (*or we*) the wife (*or wives*) of the said do hereby bar my (*or our*) dower in the said lands.

As witness my (*or our*) hand and seal (*or hands and seals*)  
 this day of one thousand eight hundred  
 and

Signed, sealed and delivered }  
 in the presence of L. S.

### SCHEDULE B.

(*Section 37.*)

#### CHIEF ENGINEER'S CERTIFICATE.

THE BELLEVILLE AND NORTH HASTINGS RAILWAY COMPANY'S  
 OFFICE,

ENGINEER'S DEPARTMENT, A.D. 18

No.

*Certificate to be attached to cheques drawn on the Belleville and North Hastings Railway Municipal Trust Account.*

I, , chief engineer for the Belleville and North Hastings Railway Company, do hereby certify that the sum of \$ is required to be expended in the construction of the portion of the line extending from mile No. to mile No. , and that payment should be made to the company of such amount from the Municipal Trust Account, the same being in pursuance of the terms and conditions of the By-law of the Municipality of the of

### CAP. XXXIX.

An Act to amend the Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered sixty-two, incorporating the Bowmanville, Lindsay and Bobcaygeon Railway Company.

[*Assented to 24th March, 1874.*]

WHEREAS the Provisional Directors of the Bowmanville, Preamble.  
 Lindsay and Bobcaygeon Railway Company have by their petition prayed for certain amendments to their charter :  
 Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Time for commencement and completion of Railway extended.

**1.** The time limited for the commencement of the said railway by the forty-third section of the Act, passed in the thirty-fifth year of Her Majesty's reign, chaptered sixty-two, is hereby extended for the period of three years from the passing of this Act, and for the completion of the said railway to the period of five years from the passing of this Act.

Location of main line of Railway.

**2.** The said Bowmanville, Lindsay and Bobcaygeon Railway Company shall have full power to construct their Railway in as direct a line as they may deem advisable, between the Town of Bowmanville and some point on the Georgian Bay, at or near Parry Sound, through the Counties of Durham, Victoria, Ontario, and Simcoe ; and such line shall be the main line.

Branch line.

**3.** The said Company shall have power to construct a branch from any point of said line to Fenelon Falls, through the Townships of Ops, Mariposa, and Fenelon.

Change of name.

**4.** The name of said Railway Company shall be changed to that of " The Bowmanville and Georgian Bay Railway Company."

Former Act to apply.

**5.** All the clauses and provisions contained in the Act incorporating the Bowmanville, Lindsay and Bobcaygeon Railway Company (except such as are amended by this Act), and the several powers and authorities conferred upon said Company by such Act, shall apply to the extended powers conferred hereby.

Amount of bonds may be increased.

**6.** The amount of bonds authorized to be issued by the said Act may be increased, but so as not to exceed in all the sum of twelve thousand dollars per mile of railway.

## CAP. XL.

An Act to authorize the Brockville and Ottawa Railway Company to issue preferential mortgage debentures and for other purposes.

[Assented to 24th March, 1874.]

Preamble.

**W**HEREAS, at the session of the Legislature of the Province of Ontario, held in the thirty-sixth year of the reign of Her Majesty Queen Victoria, the following resolution was passed, viz: Resolved, that the Canada Central Railway Company having offered to accept in lieu of the land for which that

that company has obtained a decree in chancery against the Province, the mortgages held by the Counties of Lanark and Renfrew, the Township of Elizabethtown, and the Town of Brockville against the Brockville and Ottawa Railway Company, as an indemnity against the liability of the said municipalities to the Municipal Loan Fund, and as well the said municipalities as the Brockville and Ottawa Railway Company, having respectively intimated their concurrence in the said offer, so far as the same affects their interests respectively, and so that the liability of the municipalities to the Province may be discharged, and that the liability of the Brockville and Ottawa Railway Company may thenceforward belong to the Canada Central Railway Company instead of to the said municipalities, this House is content that the said compromise or settlement so proposed to the Government, or any modification thereof which may be more advantageous to the Province, shall be made by His Excellency in Council, if His Excellency shall deem such compromise to be for the public interest, and subject to such terms and conditions, if any, as the Lieutenant-Governor in Council shall require; And whereas, in and by a certain order in council, approved by the Lieutenant-Governor of the Province of Ontario, on the twenty-seventh day of June, A. D., one thousand eight hundred and seventy-three, it was recommended that the terms of settlement mentioned in the above recited resolution should be carried out as modified and subject to the terms and conditions hereinafter stated, that is to say:

- (1) The Canada Central Railway Company to release all claims to further land grants under former legislation;
- (2) The Canada Central Railway Company to return to the Brockville and Ottawa Railway Company one hundred thousand dollars of moneys said to have been formerly advanced, and the said Canada Central Railway Company to covenant with the crown that the Brockville and Ottawa Railway Company will expend in repairs and equipment of the Brockville and Ottawa road, the sum of one hundred thousand dollars, such expenditure to be begun within three months and ended within fifteen months; In case the Brockville and Ottawa Railway Company issues mortgage debentures to secure to the Canada Central Railway Company the debt transferred to it, one hundred thousand dollars of such debentures are to be held by the crown as security for the above expenditure, and such debentures with all accrued interest, are to be from time to time transferred to the Canada Central Railway Company as twenty thousand dollars of expenditure is made, on the certificate of an engineer to be named;
- (3) In case the Brockville and Ottawa Railway Company issues mortgage debentures as before mentioned, the crown to be entitled to retain one hundred thousand dollars further of such debentures in respect of the extension of the Canada Central Railway from Renfrew Village to their terminus at or near Pembroke, such debentures with all accrued interest to be transferred to the Canada Central Railway Company as follows: the rateable mileage proportion



portion on the construction of twenty miles of the said extension, and the remainder on the completion of the residue of the extension, within three years from the first day of October, in the year of our Lord, one thousand eight hundred and seventy-three; In case the extension is not completed within the time limited any part of the debentures and interest undelivered at the expiration of the time, to be forfeited to the crown; the Canada Central Railway Company to remain entitled as at present to the subsidy granted under Order in Council in respect of the extension to Pembroke; the Canada Central Railway Company not to be bound to build the extension, or any part thereof, in case it prefers to forfeit the subsidy, and the securities retained by the crown in respect of the extension, or such part thereof as the Canada Central Railway Company may not build. (4) In case no mortgage debentures are issued by the Brockville and Ottawa Railway Company, the transaction to be so arranged that the Crown and the Canada Central Railway Company shall be joint holders of the Brockville and Ottawa Railway Company mortgages, the Crown to the extent of the two hundred thousand dollars, to be from time to time transferred as aforesaid to the Canada Central Railway Company, and the Canada Central Railway Company for the other part of the total sum secured by said mortgages; And whereas the liabilities of the said municipalities to the Municipal Loan Fund for and in respect of the moneys borrowed by them and loaned by them to the Brockville and Ottawa Railway Company, have by Act of the Legislature of Ontario, passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, been reduced to the following sums, viz: the Town of Brockville to one hundred and thirty-five thousand, three hundred and seventy-five dollars; the Township of Elizabethtown to ninety-eight thousand eight hundred and forty-seven dollars twenty-three cents; the Counties of Lanark and Renfrew to three hundred and twenty-two thousand and sixty-nine dollars, ninety-three cents; making in all the sum of five hundred and fifty-six thousand two hundred and ninety-two dollars, sixteen cents; And whereas the terms of settlement mentioned in said resolution as modified and subject to the terms and conditions hereinbefore stated, have been duly carried out by the execution of the necessary instruments, and by an indenture bearing date the seventeenth day of January, in the year of our Lord one thousand eight hundred and seventy four, and made between the Corporation of the Town of Brockville, the Corporation of the Township of Elizabethtown, the Corporation of the County of Lanark, and the Corporation of the County of Renfrew, of the first part, the Brockville and Ottawa Railway Company of the second part, the Canada Central Railway Company of the third part, and Her Majesty, Queen Victoria, of the fourth part: after reciting (amongst other things) the mortgages given by the Brockville and Ottawa Railway Company to the Town Council of Brockville, the Municipality of the Township of Elizabethtown, and the municipal Council of the united Counties

ties of Lanark and Renfrew, to secure the said municipalities in the due repayments of the amounts borrowed by them upon the credit of the Consolidated Municipal Loan Fund for Upper Canada, and loaned by them to the Brockville and Ottawa Railway Company, the Act of the Parliament of the late Province of Canada, passed in the twentieth year of Her Majesty's reign, intituled "An Act to amend and extend the charter of the Brockville and Ottawa Railway Company," affirming the validity of said mortgages, and the resolution and Order in Council hereinbefore set out, the said mortgages and all the property of the Brockville and Ottawa Railway Company, mentioned therein or conveyed thereby, or intended so to be, and all moneys due or owing, or which might thereafter become due or owing by the said The Brockville and Ottawa Railway Company, to said Municipalities, or any of them, by reasons of said loans or said mortgages, or said last mentioned Act of Parliament were granted, bargained, sold, assigned, transferred, and set over unto Her Majesty, Queen Victoria, and the said The Canada Central Railway Company, and their successors and assigns, subject and according to the terms and conditions set out in said Order in Council, and to the condition that no greater sum should be claimed or collected from the said The Brockville and Ottawa Railway Company, by virtue of the said indenture than the said sum of five hundred and fifty-six thousand two hundred and ninety-two dollars, sixteen cents, with interest at five per cent, and by the said indenture the Brockville and Ottawa Railway Company expressly consented and agreed to the said transfer and assignment, and recognised and acknowledged their liability to pay the said sum of five hundred and fifty-six thousand two hundred and ninety-two dollars, sixteen cents; And whereas, under and by virtue of an Act of the Parliament of the late Province of Canada, passed in the twenty-seventh year of the reign of Her Majesty Queen Victoria, and intituled "An Act for the re-organisation of the Brockville and Ottawa Railway Company, and to authorize the issue of preferential bonds for certain purposes," the said The Brockville and Ottawa Railway Company have issued certain preferential bonds or debentures, called "Preferential Extension Bonds" bearing seven per cent. interest, to the amount of sixty thousand pounds sterling, which bonds are by said Act declared to form the first charge upon the Brockville and Ottawa Railway, next after the claims of the said municipalities, and subject to their first charge; And whereas, the mortgage mentioned in the second section of said last mentioned Act, has been duly executed as security for the payment of said preferential extension bonds; And whereas, the Brockville and Ottawa Railway Company have prayed to be allowed to issue mortgage debentures or bonds for the amount which they are now liable for to Her Majesty, Queen Victoria, and the Canada Central Railway Company, under the said mortgages, to the said municipalities, and the transfer thereof, and that the "Preferential Extension Bonds" issued under said last recited Act, should as between the

the holders thereof and the Canada Central Railway Company, and the Brockville and Ottawa Railway Company, rank *pari passu* with the debentures or bonds, to be issued under this Act as claims, charges, or liens upon the property and rights of the Brockville and Ottawa Railway Company, comprised in the said several mortgages, subject to the right of Her Majesty to priority over the holders of the said "Preferential Extension Bonds," issued under the last recited Act, in respect of the two hundred thousand dollars, retained by her or such portion thereof as she may be entitled to retain, in case of the noncompliance of the Canada Central Railway Company with the terms upon which they will be entitled to receive the same, and have also prayed for certain other powers in connection with the premises :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Company may  
issue preferen-  
tial bonds for  
\$556,292.16.

1. The Brockville and Ottawa Railway Company may issue mortgage, debentures or bonds bearing five per cent. interest, and not exceeding in amount in the whole five hundred and fifty-six thousand two hundred and ninety-two dollars and sixteen cents, being the amount of their liability to Her Majesty and the Canada Central Railway Company, under the said mortgages to the said municipalities, and the said transfer thereof; and the said mortgage debentures, or bonds shall be called "Preferential Mortgage Debentures;" and shall be and form the first charge on all the property and rights of the Brockville and Ottawa Railway Company comprised in the said several mortgages, to the same extent and in the same manner as the said mortgages to said municipalities, formed or were intended to form such first charge, except as is hereinafter provided.

When interest  
and principal  
to be payable.

2. Such preferential mortgage debentures shall bear interest at the rate aforesaid, to be computed from the first day of July, in the year of our Lord one thousand eight hundred and seventy-three, and to be payable half-yearly, on each first day of January and first day of July, the first payment to become due on the first day of July, in the year of our Lord one thousand eight hundred and seventy-four, and to be for a year's interest, and the principal money secured thereby shall be payable in twenty years from the first day of July, in the year of our Lord one thousand eight hundred and seventy-four; and such debentures may be in the form given in schedule A to this Act appended, or to similar effect; and two hundred and five thousand dollars of such debentures shall be made payable to the Treasurer of Ontario or bearer, and the residue to the Canada Central Railway Company or bearer, the said sum of two hundred and five thousand dollars, consisting of the sum of two hundred thousand dollars, payable to Her Majesty under the said agreement, and five thousand dollars, being six months interest.

Form of debentures.



interest on the said sum from the first day of January, one thousand eight hundred and seventy-three, to the first day of July, one thousand eight hundred and seventy-three.

**3.** As between the Canada Central Railway Company and their assigns The Brockville and Ottawa Railway Company, and the holders of said "preferential extension bonds," the said "preferential extension bonds," and the "preferential mortgage debentures" to be issued under this Act, shall rank *pari passu* as charges upon all the property and rights of the Brockville and Ottawa Railway Company, which by means of the mortgages to said municipalities, or the mortgage to secure said "preferential extension bonds," or any Act or Acts of the Parliament of the late Province of Canada, or of the Legislature of Ontario were or are or may become, or might have become liable for the payment of the said debts to the said municipalities, or of said "preferential extension bonds," and said "preferential extension bonds," and "preferential mortgage debentures," shall jointly (and *pro rata* as to their respective amounts) form the first charge upon all said property subject however to the right of Her Majesty to priority over the said "preferential extension bonds," in respect of the two hundred and five thousand dollars retained by her, or of any portion thereof, which may be forfeited to her in consequence of the non-compliance by the Canada Central Railway Company with the terms upon which they would be entitled to a transfer thereof, but as any portion of said two hundred and five thousand dollars is transferred to the Canada Central Railway Company, such portion shall lose such priority, and rank *pari passu* with the said other bonds.

Rights of bondholders.

**4.** The right of voting at all meetings of the Brockville and Ottawa Railway Company, now possessed by the holders of said "preferential extension bonds," in respect thereof shall continue as if this Act had not been passed, but no right of voting at such meetings is given to the holders of said "preferential mortgage debentures" in respect thereof.

Voting at meetings.

**5.** Whenever the said indenture of transfer, dated the seventeenth day of January, in the year of our Lord, one thousand eight hundred and seventy-four, is registered in the book for any one municipality of any county or riding containing more than one municipality in respect of which it is necessary or desirable to have said indenture registered, it shall be sufficient to enter in the book for such other municipalities, a statement of the date of the said indenture of the names of the parties thereto and of the book and page in which the same is as aforesaid registered in the usual way; and such statement shall be a good and sufficient registration of such indenture for such municipality; and each registrar is hereby required to enter such statement when requested by any person so to do, on receiving a fee of one dollar and fifty cents for so making and entering each such statement.

Registration of indenture of 17th Jan. 1874.

## SCHEDULE A.

## THE BROCKVILLE AND OTTAWA RAILWAY COMPANY.

*Preferential Mortgage Debenture.*

Whereas the liability of the different municipalities who borrowed moneys upon the credit of the Consolidated Municipal Loan Fund of Upper Canada, and loaned the same to the Brockville and Ottawa Railway Company, has been reduced by Act of the Legislature of Ontario, to five hundred and fifty-six thousand two hundred and ninety-two dollars and sixteen cents; And whereas the mortgages given by the Brockville and Ottawa Railway Company to the said municipalities, to secure the amount of said loan, have been transferred and assigned to Her Majesty Queen Victoria and the Canada Central Railway; And whereas the Brockville and Ottawa Railway Company have been authorized by Act of the Legislature of Ontario, passed in the thirty-seventh year of Her Majesty's reign, to issue these preferential mortgage debentures for the above amount, which debentures, jointly with the preferential extension bonds issued under 27 Victoria, chapter 57, and declared to form the first charge upon the property and rights of the Brockville and Ottawa Railway Company;

The Brockville and Ottawa Railway Company hereby promise to pay to \_\_\_\_\_, or bearer, the sum of

\_\_\_\_\_ dollars, part of the said debt, in twenty years from the first day of July, in the year of our Lord one thousand eight hundred and seventy-four, and also interest thereon, at the rate of five per centum per annum, to be computed from the first day of July, in the year of our Lord one thousand eight hundred and seventy-three, to be paid on the first days of January and July in each year, upon presentation and surrender of the proper coupons hereto attached, at the Company's office in Brockville, Canada.

Signed and sealed at Brockville, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_

L. S.

## CAP. XLII.

## An Act respecting the Canada Southern Railway Company.

[Assented to 24th March, 1874]

Preamble.

**W**HEREAS the Canada Southern Railway Company have petitioned for power to take stock in certain companies, and for other corporate powers, and it is expedient to grant the same:

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Canada Southern Railway Company, shall have power to guarantee for the loan of its credit to, or become guarantors for, and may subscribe to or become owners of the stock of any company, now or hereafter to be formed, for the purpose of owning, constructing, manufacturing, leasing, hiring or otherwise becoming possessed of, and working and using railway cars, rolling stock, engines and other plant used in the transportation of railway traffic with which the Canada Southern Railway Company have made or may hereafter make an agreement for the use of such railway cars, rolling stock, engines, or other plant ; And the said railway company shall have all the powers in respect of such stock as an individual would have and shall exercise the same through such officer, and in such manner as the board of directors shall by resolution appoint.

Railway may  
subscribe for  
stock in  
certain com-  
panies.

2. For the purpose of constructing, working and protecting the telegraph lines constructed by the said company on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies are hereby conferred upon the company ; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Certain powers  
of telegraph  
companies  
conferred on  
the company.

3. This Act may be cited as the " Canada Southern Railway Act, 1874." Short title.

## CAP. XLII.

An Act amending Acts relating to the Credit Valley Railway Company.

[Assented to 24th March, 1874.]

WHEREAS, the Credit Valley Railway Company have by their petition set out, that for the sake of convenience and economy, both of time and money, they found it necessary to grant to their president, George Laidlaw, a general power of attorney, bearing date the fifth day of November, in the year of our Lord one thousand eight hundred and seventy-three, authorizing him to do for them, and in their name, all such acts, and to enter into all such agreements as to him should seem meet and proper in and about the construction and completion of the said railway : And whereas the said company have petitioned that it should be declared that the said power of attorney and all agreements made, or to be made under

Preamble.

under



der it, are and shall be good, valid, and binding instruments: And whereas, the said company have also petitioned that an Act may be passed extending the powers conferred on the said company, and for other purposes, and it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power of attorney to G. Laidlaw legalized.

1. The power of attorney granted to George Laidlaw, by the Credit Valley Railway Company, and dated the fifth day of November, in the year of our Lord one thousand eight hundred and seventy-three, is hereby declared to be, and shall be good, valid and binding, subject always to revocation by the Board of Directors of the Company.

By-laws of Oxford, &c., legalized.

2. The by-laws passed by the County Councils of Oxford, Waterloo and Wellington, respectively, granting bonuses to the said company, and all debentures issued, or that may hereafter be issued under the said by-laws, are, and the same are hereby made legal, valid, and binding upon the respective corporations of Wellington, Waterloo and Oxford.

Agreement with Corporation of Wellington legalized.

3. The agreement entered into by the company, with the Municipal Corporation of the County of Wellington, to expend the proceeds of the debentures to be issued by the Corporation of the County of Wellington on work done in the construction of the said railway from the junction point, near Bellfountain, or the Forks of the River Credit, and Elora, or Salem, and between Alton and Orangeville, *pro rata* per mile over the whole mileage of the said lines, between the said respective points on the certificate of the chief engineer, to be given in the manner provided for in the act of incorporation of the said company, and providing that no portion of the proceeds of the said debentures shall be paid out by the trustees for, or in respect of the construction of any other portion of the said railway, or for any other purpose whatsoever, is hereby made and declared to be a good, valid, and binding agreement, and the trustees of such moneys are hereby authorized and empowered to expend the proceeds of the said debentures to be issued as aforesaid, in accordance with the terms of the said agreement.

35 V., c. 47,  
s. 3, amended

4. The third section of the Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered forty-seven, is hereby amended, by inserting the words, and indemnify the said company against any loss, harm, or damage which may happen, or from any claims which may arise in consequence of their grading, using, or occupying the said highways," immediately after the word "municipality," and before the words "and whether" in the fourth line of the said section.

5. The directors of the company elected by the shareholders may, with the sanction of the shareholders already given, or to be given, make and issue as paid-up stock, stock in the said company, whether now subscribed for or not, and may allot and hand over such stock as paid-up stock, and the mortgage bonds of the company in payment of rights of way, plant, rolling stock, or materials of any kind, and also for the services of contractors, engineers, and other persons, whether directors or not, who may have been, are, or may be engaged in promoting the undertaking and interests of the company: Provided, that any allowance to directors shall have been made or confirmed by resolution of the shareholders, unanimously passed at a special general meeting, to be called in accordance with the provisions of the Act incorporating the said Company.

Certain payments of the Company may be made in paid up stock.

6. The sixth section of the Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, chaptered eighty, is hereby amended, by adding to the said section the following words: "but no such directors shall in any way be responsible or liable for, or in respect of the stock, bonds, bills, notes, and credits of the said company, but the exclusive right to control, and deal with the stock, bonds, bills, notes, and credits of the said company, shall belong to and rest with the directors elected by the shareholders." But nothing in this section shall be construed as impairing in any degree the supervision of the municipal directors over the expenditure of the money raised for the construction and running of the railway, and the determination of passenger rates and rates of freight.

36 V., c. 80, s. 6, amended.

7. The increase of the capital stock of the said company to the sum of five hundred thousand dollars, heretofore made by the said company, and assented to by the shareholders therein, is hereby confirmed.

Increase of stock confirmed.

### CAP. XLIII.

An Act respecting "The Grand Junction Railway Company."

[Assented to 24th March, 1874.]

WHEREAS The Grand Junction Railway Company have by their petition prayed that all the Acts relating to said company should be consolidated and amended and reduced into one Act; And whereas it is expedient to grant the prayer of said petition:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rights, powers and privileges conferred under previous Acts vested in G. J. R. Co.

1. All the rights, powers and privileges intended to be vested in the Grand Junction Railway Company under the several statutes passed by the Parliament of the late Province of Canada, by the Parliament of the Dominion of Canada, and by the Legislature of the Province of Ontario, relating to said company, are hereby declared to be vested in the shareholders of the said company, under the name of "The Grand Junction Railway Company."

16 V., c. 43, & 33 V., c. 53, repealed.

2. The Acts passed in the sixteenth year of the reign of Her Majesty Queen Victoria, and chaptered forty-three, and the Act passed the thirty-third year of the said reign, and chaptered fifty-three, be and the same are hereby repealed, but any Act or proceeding taken, done or had under any of said statutes shall remain valid and binding as if the said Acts had not been repealed.

Railway Act to apply.

3. All the several provisions of the Railway Act, being chapter sixty-six of the Consolidated Statutes of the Province of Canada, and amendments thereto, shall apply to the said company.

Existing contracts, &c., of the company.

4. All contracts made heretofore by or with the said company, and which are now legal and subsisting, and all the rights and liabilities of and against the said company shall continue in all respects binding upon and in favour of the said company, and shall not be altered or affected by any provision of this Act.

Former purchases and debts.

5. All purchases made, deeds taken, proceedings had, and acts done in the location and construction of said railway by the said company, shall be held and taken to have been had and done under this Act.

Capital.

6. The capital of such company is hereby declared to be one million dollars, divided into shares of twenty dollars each.

Directors.

7. The present directors of the said company, that is to say, Thomas Kelso, Abraham Diamond, Alexander Robertson, D. D. Bogart, J. S. Fowds, E. J. Senkler, G. H. Boulter, James Brown, Henry Corby, the Honourable Robert Read, and M. Bowell, shall continue in office and shall with the ex-officio directors hereinafter mentioned, be the directors of the said company until the next annual election to be holden under this Act, and until their successors be duly elected.

Gauge.

8. The said company shall have the right to build and complete the said railway with such gauge, on such line, and in such manner as the directors of the said company may think best.

Annual meetings.

9. The annual general meeting of the company shall be held on the first Tuesday in February, or such other day as shall be from time to time fixed by by-law of the directors.



**10.** Notice shall be given of the day, and place, and hour of holding all special and general meetings of shareholders, by publishing the same four consecutive times in the *Ontario Gazette*, and two weeks in one or more daily or weekly newspapers published in the town of Belleville, and in the towns of Peterborough and Lindsay respectively, before the day of meeting.

Notice of  
meetings.

**11.** The annual meeting shall be held in the town of Belleville; the directors may hold their meetings in the town of Belleville or such place as they from time to time may find most expedient, but the principal offices of the company shall be in the town of Belleville.

Meetings  
where to be  
held.

**12.** Six directors shall form a quorum for the transaction of business, and the number of directors to be elected by the stockholders shall not exceed twelve.

Quorum of,  
and number of  
directors.

**13.** Where any municipality which has granted aid to the company, and in the by-law granting such aid has provided that the head of such municipality shall be a director of the said company; the head for the time being of such municipality so having given such aid, shall be ex-officio a director of the said company, and shall have all the rights and powers of a director of said company, and every municipality which has subscribed stock to an amount of twenty thousand dollars or upwards shall be entitled, in manner provided by the Municipal Act, to one director.

Municipal  
director.

**14.** Upon all matters the ex-officio directors of said company shall have the same rights and powers as directors elected by shareholders.

Ex-officio  
directors.

**15.** It shall be lawful for the said company and the Grand Trunk Railway of Canada to make arrangements for the use of a part of the line of the said Grand Trunk Railway Company, at or near Belleville, and for station accommodation, and for such other purposes connected with the working of the traffic from one line to the other, as the said two companies may think for their mutual interest and the public convenience, and for payment of compensation for the said accommodation, as they may agree upon.

Arrangements  
with Grand  
Trunk Rail-  
way.

**16.** All subscriptions for stock made before the passing of this Act, and which at the time of the passing of this Act are subsisting, shall be taken and held to be valid and binding as if duly subscribed and taken under this Act; and all persons and corporations who at the time of the passing of this Act are *bona fide* shareholders in said company, shall be held and taken to be shareholders of the said company under this Act.

Subscriptions  
for stock.

**17.** All calls made, and acts heretofore done, under the said Acts in the first section of this Act mentioned, by the directors of

Former Acts of  
directors con-  
firmed.

of

of the company, and otherwise legally made or done, are hereby declared to have been made and done by a lawfully constituted Board of Directors, and are hereby confirmed, and the same shall, notwithstanding the passing of this Act, continue and be binding on all persons who are now liable therefor, and any call made and act done by said directors shall be taken to have been made and done under the said Railway Act: Provided, however, that nothing in this Act contained shall affect or make valid or invalid any transfer of stock heretofore made.

Calls to be  
paid up before  
voting.

**18.** No shareholder shall have the right to vote at the election of directors who has not before voting paid up all calls made upon the stock held by such shareholder.

Aid from  
municipalities.

**19.** The several municipal Corporations along the line of the said proposed railway, and also any municipal corporation near to the said proposed line may grant to the said railway company such sum of money or debentures as may by the said municipal corporations respectively, be thought advisable in the way of bonus or donation, to aid in the construction or equipment of said railway, or for any of the works authorized under the charter of the said company to be undertaken; and it shall and may be lawful for the said company to accept of such bonus or donation, and to apply any such sums of money or the proceeds of such debentures, to the purpose for which the same were granted.

Aid to com-  
pany from  
Government,  
&c.

**20.** The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from mu-  
nicipalities.

**21.** Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto, instead of sections four hundred and seventy-two, four hundred and seventy-three, and four hundred and seventy-four of the Municipal Institutions Act: Provided always, that no such aid shall be given, except after the passing of a by-law for the purpose, and the adoption of such-law by the qualified rate-payers of the municipality or portion of municipality, (as the case may be,) as provided in the Municipal Act for the creation of debts.

**22.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

Manner of submitting by-laws to rate-payers.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid;

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities, or sections proposed to be grouped, being duly qualified voters as aforesaid.

**23.** Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous; but no minor municipality or section thereof which is subject to a county or other by-law in aid of the said railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law.

Aid from portions of county municipalities.

Grouping minor municipalities.

**24.** In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein; and upon deposit by the petitioners with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public

Proceedings on opposing submission of by-laws.

Arbitration.

Public



Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company, or the county, as the arbitrators may order.

Rate to be levied only on the part of municipality granting bonus.

**25.** In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality; and the voting thereon shall be limited to the duly qualified voters in such portions only.

Company to make deposit for expenses.

**26.** Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Interpretation of the words "minor municipality."

**27.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county township, or incorporated village situate in the county municipality.

By-laws to be valid, though the annual rate exceed two cents in the dollar.

**28.** No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or section affected thereby; but for the purpose of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act.

Requisites of by-law.

**29.** Such by-law shall in each instance provide,

1. For raising the amount petitioned for in the municipality or portions of the county municipality, (as the case may be,) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law;

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures, within twenty years with interest thereon, payable yearly or half-yearly, or by equal annual instalments of

of principal and interest; which debentures the respective municipal councils, warden, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively: Provided, that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

**30.** In case the by-law submitted is not approved of, no other by-law which is in substance the same shall be submitted to the voters of the same municipality or portion of the county municipality, until after the expiration of six months from such rejection.

If by-law defeated, limits of time for submitting similar one.

**31.** In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same, shall read the said by-law a third time and pass the same.

If by-law carried, council to pass the same,

**32.** Within one month after the passing of such by-law the said council, and the warden, reeve, or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

and issue the debentures.

**33.** The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township, a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council; but the township municipality shall in each case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

Corporation may exchange their debentures for those of the townships.

**34.** Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor, shall within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided that if the said Council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee

Trustees for municipal debentures.

trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the company; and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

Trusts on which debentures are to be held.

**35.** The said trustees shall receive the said debentures or bonds in trust: firstly, under the direction of the company to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks, having an office in this Province, in the name of "The Grand Junction Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule "A" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for, is in pursuance of the terms and conditions of the by-law; and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

Trustees' fees. Act of two to govern.

**36.** The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees to be as valid and binding as if the three had agreed.

Company may receive gifts of lands.

**37.** Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Municipality may exempt Company from taxation.

**38.** It shall further be lawful for the council of any municipality in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with a condition contained therein.



**39.** It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonuses.

Council may  
extend time.

**40.** It shall be lawful for the council of any township or county municipality interested in the said extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all or part of the costs, charges, and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses; Provided always that no one such bonus shall exceed five thousand dollars.

Councils may  
contribute  
towards preliminary  
expenses.

**41.** Whenever any municipality or portion of a municipality shall aid, loan, guarantee, or give money or bonds by way of bonus to aid the making, equipment, and completion of said extension and branches, or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same.

Municipalities  
may agree as  
to application  
of bonus.

**42.** The said company shall have power to become parties to promissory notes, and bills of exchange for sums not less than one hundred dollars, and any such promissory note, made or endorsed, and any such bill of exchange drawn, accepted or endorsed by the president of the company, or vice-president, and countersigned by the secretary and treasurer, and under the authority of a majority of a quorum of the directors, is and shall be binding upon the said company; and every such promissory note or bill of exchange so made, drawn, accepted or endorsed by the president or the vice-president of the said company, and countersigned by the secretary and treasurer as such, either before or after the passing of this Act, shall be presumed to have been properly made, drawn and accepted or endorsed, as the case may be, for the company, until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note, nor shall the president, vice-president or the secretary and treasurer of the company so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever: Provided always, that nothing in this clause shall be construed to authorize the said company to issue any note payable to bearer, or any promissory note intended to be circulated as money or as the notes of a bank.

Company may  
be parties to  
promissory  
notes, etc.

Proviso.

Conveyances  
to the com-  
pany to be  
a certain  
form.

Fee to regis-  
trar.

**43.** All deeds and conveyances for lands to be conveyed to the said company for the purposes of this Act, shall and may, as far as the title to the said lands or the circumstances of the party making such conveyances will admit, be made in the form given in the schedule of this Act marked B. And for the purpose of a due registration of the same, all registrars, in their respective counties, are hereby required to procure a book with copies of the form given in the said schedule B, one to be printed on each page, leaving the necessary blanks to suit the separate cases of conveyance, and in the said book to enter and register the said deed upon production thereof, and proof of execution, without any memorial, and to minute such entry on the said deed. And the said company are to pay the said registrars for so doing the sum of fifty cents and no more, which said registration shall be held and deemed to be valid in law; the provisions of any Act for the registration of deeds now in force in this Province, to the contrary notwithstanding.

## SCHEDULE A.

### CHIEF ENGINEER'S CERTIFICATE.

THE GRAND JUNCTION RAILWAY COMPANY'S OFFICE,

Engineer's Department, AD. 18

No.

*Certificate to be attached to cheques drawn on The Grand Junction Railway Municipal Trust Account.*

I, \_\_\_\_\_, Chief Engineer for The Grand Junction Railway Company, do hereby certify that the sum of \$ \_\_\_\_\_ is required to be expended in the construction of the portion of the line extending from mile No. \_\_\_\_\_ to mile No. \_\_\_\_\_, and that payment should be made to the company of such amount from the Municipal Trust Account, the same being in pursuance of the terms and conditions of the by-law of the Municipality of the \_\_\_\_\_ of \_\_\_\_\_

## SCHEDULE B.

### FORM OF CONVEYANCE.

Know all Men by these presents, that I, A. B., of \_\_\_\_\_ (here name the wife, if any) do hereby in consideration of \_\_\_\_\_ (here the sum) paid to me by the Grand Junction Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said The Grand Junction \_\_\_\_\_

Junction Railway Company, their successors and assigns for ever, all that certain tract or parcel of land situate (*here describe the land*) the same having been selected and laid out by the said Company for the purposes of their road, to have and to hold the said land and premises, together with the hereditaments thereto, to the said The Grand Junction Railway Company, their successors and assigns for ever, (*here, dower if any.*)

Witness my hand and seal, this                      day of                      one  
thousand eight hundred and

L. S.

Signed, sealed and delivered  
in presence of

### CAP. XLIV.

An Act further to amend the Act incorporating the  
Hamilton and North Western Railway Company.

[Assented to 24th March, 1874.]

**W**HEREAS, The Hamilton and North Western Railway Preamble.  
Company have petitioned for certain amendments to their charter, more especially as regards their borrowing powers, and it is expedient to grant the same:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The twenty-sixth and twenty-seventh sections of the Act, passed in the thirty-fifth year of Her Majesty's reign, intituled "An Act to incorporate the Hamilton and North Western Railway Company," are hereby repealed. 35 Vic., c. 55, ss. 26 and 27, repealed.

**2.** All bonds, debentures, and other securities, and coupons, and interest warrants thereon, respectively, may be made payable to bearer or order, and transferable by endorsement or delivery, and any holder of such securities may sue thereon in his or her own name; and may be so issued under the provisions of the Railway Act. Bonds, &c., may be made payable to bearer.

**3.** The periods referred to in the sixteenth and twenty-second clauses of the said Act, shall be one month and six weeks respectively, after the day named in the by-laws for the same to take effect and come into operation, instead of from the time of the passing of the by-laws, as therein provided, and the said clauses shall be read as varied by this Act. Time for passing of by-laws and delivery of debentures to trustees extended.



Extension of  
line to Colling-  
wood.

4. Notwithstanding anything in the first section of the Act, passed in the thirty-sixth year of Her Majesty's reign, chaptered eighty-four, it shall be lawful for the Company to extend their line into the waters of the Georgian Bay at the Town of Collingwood, and there to erect and maintain all necessary and convenient buildings, stations, wharves, and other conveniences for the use and accommodation of the passengers, freight, and business of the railway, subject to the provisions of the Railway Act.

Power to  
accept pay-  
ment in full of  
stock at any  
time.

5. It shall be lawful for the directors to accept payment in full for stock from any of the subscribers thereof at the time of subscription, or at any time before the making of a final call thereon, and to allow such per centage or discount thereon, as they may deem expedient and reasonable, and thereupon to issue to each of such subscribers, scrip to the full amount of such stock subscribed.

Power to con-  
struct or equip  
line by con-  
tract.

6. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any portion thereof, including or excluding the purchase of the right of way, and to pay therefor either in cash or bonds or in paid up stock, notwithstanding that one or more of such contractors may be shareholders or directors in the Company: Provided that no such contract shall be of any force or validity, till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

35 Vic., c. 55,  
s. 9, amended.

7. Section number nine of the first recited Act, is amended by striking out the words "as provided in section seven," and substituting in lieu thereof, "*in the Official Gazette of Ontario.*"

S. 23 amended.

8. Section twenty-three is amended by the substitution of schedule B for schedule A. and the said section shall be read as varied by this Act.

Councils of  
aiding municipi-  
palities may  
consent to  
vary agree-  
ments as to  
route, &c.

9. The council of any municipality or of any minor municipality, comprised in a section of a county municipality, which has aided or may aid the said railway, by granting a bonus thereto, may on the application of the company from time to time, consent to the conditions of the agreements made with such municipality, as to the route of the railway mentioned therein, being varied to such extent and in such manner as an actual survey of the line may render necessary or expedient and to the extent of such alterations the original agreement may be varied accordingly: Provided always that nothing herein contained shall be construed as authorizing the council to sanction any deviation from the line originally agreed on, beyond what may be found necessary or expedient from natural or engineering difficulties; and provided also that it shall be lawful

lawful for the company in any such case to enter into an agreement with such municipality for the gravelling or macadamizing any road leading to the said railway : In case the council of a municipality or minor municipality cannot agree with the said railway company as to what deviation should be made owing to such natural or engineering difficulties, the said council and said railway company respectively, shall each appoint an arbitrator, and such two arbitrators and the county judge, or some person appointed by him to act as arbitrator in his stead, shall finally determine the matter.

10. The by-laws passed by the County of Peel, the City of Hamilton, and the Town of Collingwood, granting aid to the said railway, and all debentures issued thereunder are, and the same are hereby declared to be valid and binding. Certain municipal by-laws confirmed.

## CAP. XLV.

An Act to rearrange the debt of the Hamilton and Lake Erie Railway Company, more clearly to define its leasing powers, and for other purposes.

[Assented to 24th March, 1874]

**W**HEREAS by an Act passed in the thirty-sixth year of Preamble.  
Her Majesty's reign intituled "An Act further to amend the Act incorporating the Hamilton and Lake Erie Railway Company, and to confirm certain agreements for granting running powers to other companies over their line of railway, and for other purposes," it is amongst other things provided that it shall be lawful for the directors to issue terminable bonds, or perpetual debenture stock, bearing seven per cent. interest to be applied ;—first to replace certain deferred bonds granted in payment of the bonded debt and judgment debt of the Hamilton and Port Dover Railway; and then to the construction and equipment of the said Hamilton and Lake Erie Railway : And whereas the Great Western and Grand Trunk Railway Companies have omitted to procure the confirmation of the agreement in the said in part recited Act referred to, within the time provided for therein, and the said agreement so far as these companies are concerned is no longer in force, and it has become necessary in consequence to raise further moneys for the equipment and completion of the said Railway, and the necessary elevators and other matters required for the proper working thereof, and it has been deemed expedient to have the power to issue bonds bearing a lower rate of interest, and the shareholders of the company have by resolution affirmed the necessity for such increase, and prayed for an Act authorizing

U the

the same, either by bonds or debenture stock bearing a rate of interest not greater than seven per centum, and it is expedient to grant such prayer :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Power to issue  
bonds to the  
amount of  
£170,000 stg.

**1.** The directors may, and they are hereby authorized, and empowered to issue such terminable bonds or perpetual debenture stock bearing interest at a rate not exceeding seven per centum per annum, to an amount not exceeding in the whole, the sum of one hundred and seventy thousand pounds sterling, such bonds to be issued either in sterling or currency, and payable to bearer or order as the directors may decide.

Completion of  
the line to  
Lake Erie.

**2.** The company shall not be bound to continue their road from its present terminus at Jarvis, to the waters of Lake Erie, within the time by the said Act limited, but may on a vote of the majority of the shareholders at a meeting specially convened for the purpose of considering such extension at any time within three years from the passing of this Act, extend the same to Port Dover with the right to extend the same to any point or points on that Lake, not further west than Port Burwell; but the additional bonds to be issued for such extension, shall not exceed the sum of twelve thousand five hundred dollars per mile.

Leasing the  
railway.

**3.** And whereas doubts have arisen whether under the twenty-sixth clause of the Act incorporating the company, they are not confined to making a lease, or running arrangement with one company only, and it is desirable to remove such doubts : It is hereby enacted and declared that it was, and is the intention of the said Act, that the directors may enter into any such arrangement as is therein referred to for working the said railway, or granting running powers thereon, or for leasing the same, or some portion thereof to more than one railway company ; and that it shall be lawful for the said company to enter into any agreement with any other railway company or companies to lease or hire from such company or companies, any portion of their railway, or generally to make any agreement with any such other company touching the use by one or the other, or more of such companies, of the railway, of either or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, and that when, and so often as any such agreements may be made with any such other companies, the directors of the several companies which may from time to time enter into the same, may fix and determine the rents and other terms and conditions on which the lease or other privileges shall be granted and accepted : Provided that such agreement shall be submitted to, and approved of by the shareholders of the Hamilton and Lake Erie Railway Company, at their annual general meeting, or at a meeting to be specially called for that purpose ;

And



And provided further, that nothing in this section or in this Act contained, shall affect the agreement between the said Railway Company and the corporation of the County of Haldimand, or relieve the said Railway Company from complying with the conditions of a by-law passed by the Council of the County of Haldimand, granting aid by way of bonus to said Railway Company.

4. The company shall have full power to. accept in payment of lands which they may sell or dispose of, to any company established or to be established for the purpose of erecting warehouses or elevators thereon, paid up stock in such company, and may subscribe for shares in any such company, or in any company which may be established for building, purchasing, chartering, or owning steam or other vessels to ply in connection with the said railway; Provided that any such arrangement shall be submitted to and approved of by the shareholders of the Hamilton and Lake Erie Railway Company in manner aforesaid.

Sale of lands by the company to other companies.

## CAP. XLVI.

### An Act to incorporate the Huron and Ottawa Railway Company.

[Assented to 24th March, 1874.]

**W**HEREAS the persons hereinafter named, and others have petitioned for incorporation of a company to construct a railway from Ottawa City, passing by the valley of the Madawaska River and Lake Rosseau to Parry Sound; And whereas the construction of such a railway would be of great public benefit, by affording facilities for the settlement of the back country, bringing to market the productions thereof, and forming a valuable line of communication between the eastern and north western portions of the Province; and it is for the reasons aforesaid expedient to grant the prayer of the petitioners:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Henry J. Hubertus; J. C. Miller; The Honourable D. A. Macdonald, M. P., President of the Montreal and City of Ottawa Junction Railway; Daniel Wade; the Honourable A. B. Foster, Manager of the Canada Central Railway; William Beatty; William J. Cook; Charles S. Watson; James A. Gouin; John Stuart; Alexander P. Cockburn, M.P., Charles James Blomfield; and Patrick McCurry, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be and the same are hereby constituted

Incorporation.

Corporate  
name.

constituted a body corporate and politic, by the name of the  
"Huron and Ottawa Railway Company."

Certain clauses  
of the Railway  
Act to apply.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments thereto, and also the several clauses thereof, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "by-laws," "notices, &c.," "working of the railway," and "general provisions," and all Acts amending the said Act, shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company, and to the railway to be constructed by them, except only so far as the same may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act, and amendments thereto so incorporated with this Act.

Interpretation  
of the word  
"this Act."

Power to con-  
struct a rail-  
way on a cer-  
tain line.

3. The said company and their agents and servants may lay out, construct and finish a double or single iron railway, of such gauge as the company see fit, from the City of Ottawa, or the Village of Carleton Place or in the vicinity thereof, passing by the valley of the Madawaska River, and Lake Rosseau, to Parry Sound, on Georgian Bay, with full power and authority to pass over any part of the country between the points aforesaid, and to construct the said railway through the Crown Lands lying between the said points or on the line of the said railway.

Power to build  
wharves and  
warehouses.

4. The said company shall also have power to construct on the shore of Lake Huron, or on any river or stream near to said railway, such wharves, piers, warehouses, or other works, as may be required for the use of the said company.

Power to build  
and navigate  
Vessels on  
Lake Huron  
and Ottawa  
River.

5. The said company shall have power to construct, purchase, charter, and navigate boats or vessels of any description on Lake Huron and the Ottawa River, so far as the same may be incidental to or required in order to facilitate the traffic of the Railway.

Provisional  
directors and  
their powers.

6. The persons named in the first section of this Act shall be and are hereby constituted provisional directors of the said company, of whom a majority shall be a quorum; and shall have power to fill vacancies occurring, and to add not more than three to their number; and shall hold office as such until the first election of directors under this Act; and shall have power forthwith to open stock-books; and procure subscriptions of stock for the undertaking; and to receive payment for stock  
subscribed,

subscribed; and make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made; and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking; and to receive for the company any grant, loan, bonus, or gift made to it or in aid of the undertaking; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and with all such other powers as under the Railway Act of the Consolidated Statutes of Canada are vested in ordinary directors: The said directors are hereby empowered to take all necessary steps for opening the stock books for the subscription of parties desirous of becoming shareholders in the said company; the said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any person from so subscribing who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time, a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers if, in their judgment, such will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Ottawa, unless otherwise provided by the by-laws of said company.

Directors may exclude certain persons from subscribing for stock.

7. The capital stock of the said company shall be one million of dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into ten thousand shares of one hundred dollars each; and the money so raised shall be applied in the first place to the payment of all fees and expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all other preliminary expenses connected with the undertaking; and all the remainder of such money shall be applied to the making, equipping, completing, and maintaining the said railway, and otherwise generally for the purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality which may be affected by the said railway, may, by resolution of which seven days' previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality a sum (not exceeding two hundred dollars in townships, towns and incorporated villages, and the sum of one thousand dollars, in cities and counties) towards the preliminary expenses, which said sum shall thereafter (if such municipality so require)

Capital stock.

Charges.



require) be refunded to such municipality from the capital stock of said company or be allowed to it in payment of stock.

First meeting  
for election of  
directors.

**8.** When and so soon as two hundred thousand dollars of the capital stock shall have been subscribed as aforesaid, and one-tenth of the amount so subscribed paid in to some chartered bank in Canada, to the credit of the company, and not to be withdrawn therefrom except for the purposes of the company, the said directors, or a majority of them, may call a meeting of the shareholders at such time and place within the Province of Ontario, as they shall think proper, giving at least two weeks' notice in one or more newspapers published at Ottawa and in the *Ontario Gazette*; at which said general meeting and at the annual general meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect nine directors in the manner and qualified as hereinafter provided, which nine directors shall constitute a board of directors and shall hold office till the first Wednesday in October in the year following their election; and may also pass such rules, regulations and by-laws with reference to the said company as may be deemed expedient, provided they are not inconsistent with this Act.

Annual meet-  
ing.

**9.** Thereafter the general annual meeting of the shareholders of the said company shall be held at such place in the Province of Ontario, and on such days and at such hours as may be directed by the by-laws of the said company; and public notice thereof shall be given at least two weeks previously in the *Ontario Gazette*.

Special general  
meetings.

**10.** Special general meetings of the shareholders of the said company may be held at such places in the Province of Ontario, and at such times, and in such manner, as may be provided by the by-laws of the said company.

Ten per cent.  
to be paid on  
stock.

**11.** No subscription for stock in the capital of the company shall be binding on the company unless ten per centum of the sum subscribed has been actually paid thereon into some chartered bank to be designated by the directors, to the credit of the company within a period to be named by the board.

Quorum of  
directors.

**12.** A majority of the directors shall form a quorum for the transaction of business, and the said board of directors may employ and pay one of their number as managing director: Provided however, that no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company, and shall have paid up all calls upon the stock.

Calls on  
shares.

**13.** The directors may, at any time, call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said company, in such proportions

portions as they may see fit, no such instalment exceeding ten per centum; and the directors shall give one month's notice of such call in such manner as they may direct.

**14.** Every shareholder holding one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due upon the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting. Scale of votes.

**15.** The said company may receive from any Government, or from any person or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift, or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid to Company from Government, &c.

**16.** Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto, instead of sections four hundred and seventy-two, four hundred and seventy-three and four hundred and seventy-four of the Municipal Institutions Act: Provided always, that no such aid shall be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality, (as the case may be,) as provided in the Municipal Act for the creation of debts. Aid from Municipalities

**17.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:— Manner of submitting by-laws to ratepayers.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid;

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities, or sections proposed to be grouped, being duly qualified voters as aforesaid.

Aid from portions of county municipalities.

18. Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous; but no minor municipality or section thereof which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law.

Grouping minor municipalities.

Proceedings in opposing submission of by-law.

19. In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein; and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or of the riding in which the county town is situate, and one being an engineer, appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final; and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Arbitration.

Costs.

Rate to be levied only on the part of municipality granting bonus.

20. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality



cipality ; and the voting thereon shall be limited to the duly qualified voters on such portions only.

**21.** Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law. Railway to make deposit for expenses.

**22.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality. Interpretation of words "minor municipality."

**23.** No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or section affected thereby ; but for the purpose of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act. By-laws to be valid, though the annual rate exceed two cents in the dollar

**24.** Such by-law shall in each instance provide,

1. For raising the amount petitioned for in the municipality or portions of the county municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively ; and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law ;

Provisions of by-laws.

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest, which debentures the respective municipal councils, warden, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively : Provided, that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company, or loaned thereon ; the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

**25.** In case the by-law submitted is not approved of, no other by-law which is in substance the same, shall be submitted to the voters of the same municipality or portions of the county municipality, until after the expiration of six months from such rejection. If by-law defeated limit of time for submitting similar one.

If by-law  
carried, coun-  
cil to pass the  
same;

**26.** In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time, and pass the same.

and issue the  
debentures.

**27.** And within one month after the passing of such by-law, the said council, and the warden, reeve, or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

Corporation  
may exchange  
their debentures for those  
of the town-  
ships.

**28.** The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township, a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of such debentures.

Trustees for  
municipal de-  
bentures.

**29.** Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided, that if the said Council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

Trusts on  
which debentures are to be  
held.

**30.** The said trustees shall receive the said debentures or bonds in trust: firstly, under the direction of the company, to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks, having an office in this Province, in the name of "The Huron and Ottawa Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule A hereto, or to the like effect, setting out the portion

portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for, is in pursuance of the terms and conditions of the by-law; and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

**31.** The trustees shall be entitled to their reasonable fees and charges from such trust fund: and the act of any two of such trustees to be as valid and binding as if the three had agreed. Trustees' fees. Act of two to govern.

**32.** Any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company, may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality; and such director shall be in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents. Municipal Directors.

**33.** Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company. Company may receive gifts of lands.

**34.** It shall further be lawful for the council of any municipality in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein. Municipalities may exempt company from taxation.

**35.** It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works on the completion of which the said company would be entitled to such bonuses. Council may extend time.



Councils may contribute towards preliminary expenses.

**36.** It shall be lawful for the council of any township or county municipality interested in the said extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all, or part of the costs, charges and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges, and expenses : Provided always that no one such bonus shall exceed five thousand dollars.

Municipalities may agree as to application of bonus.

**37.** Whenever any municipality or portion of a municipality shall aid, loan, guarantee or give money or bonds by way of bonus to aid the making, equipment and completion of said extension and branches, or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same.

Company may enter into certain agreements with other railways.

**38.** It shall be lawful for the said company to enter into any agreement with any other railway company for leasing the said railway, or any part thereof, or for the use thereof, at any time or times, or for any period, to such other company, or for the leasing or hiring any locomotives, tenders, or movable property; and generally to make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies, of the railway or movable property of either or of both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; or such other railway company, as well as any other corporation, may agree upon any terms, as they may mutually consent to, for the loan of its credit to, or may subscribe to and become the owner of the stock of the railway company hereby created, in like manner and with like rights as individuals; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in the charter conferred: Provided, the said leases, agreements, and arrangements have been first respectively sanctioned at special general meetings of the shareholders, called for the purpose of considering the same respectively, under the provisions of the Railway Act, and then by a vote to that end of two-thirds of the shareholders present either in person or by proxy.

Powers of guarantee, etc.

**39.** The said company shall have power to guarantee for the loan of its credit to, or become guarantors for or may subscribe to or become the owners of stock in any railway company, with the line of which their line may be in connection,

or

or any railway company over the line of which they hereafter may make arrangements for running powers or the conveyance of traffic: Provided, that the power given under this section shall not be exercised, unless sanctioned by a vote to that end of two-thirds of the shareholders, voting in person or by proxy at a general meeting of the shareholders specially called for that purpose. Proviso.

**40.** The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, are hereby authorized and empowered to issue bonds for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking, and present and future property of the company, including rolling stock and equipments; and each holder of said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company: Provided, that the whole amount of such issue of bonds shall not exceed in all the sum of twenty thousand dollars per mile: And provided also, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are allowed to shareholders, in case the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof. Issue of bonds.

**41.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than one hundred dollars; and any such promissory note or bill made, endorsed or accepted by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors shall be binding on the said company; and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president or vice-president, or the secretary and treasurer be individually responsible for the same unless the said promissory note or bill of exchange has been issued without the sanction and authority of the directors as hereinbefore enacted: Provided always, that nothing herein contained shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank. Negotiable instruments.

Powers of the  
company as to  
stone, gravel,  
etc.

**42.** Where stone, gravel or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required; and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway; and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Siding and  
tracks to lands  
to take gravel,  
etc.

**43.** When said gravel or stone or other materials shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Directors may  
appoint agents  
in London and  
New York.

**44.** The directors of the company may, subject to the rules and regulations, from time to time, of the board, appoint an agent in the City of London, England, and also an agent in the City of New York, in the State of New York, and in the City of Chicago, in the State of Illinois, with power to pay dividends; to open and keep books of transfer for the shares of the company, and for the issue of scrip and stock certificates; and thereupon shares may be transferred from the Canada office to the London, New York, or Chicago offices, in the names of the transferees, in the same manner as shares may be transferred in the former office, and *vice versa*; and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States may be respectively entered upon the books at the London, or at the New York or Chicago



Chicago office, and scrip certificates be issued for them; and the agent or agents or other officer or officers shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in this Province, who shall thereupon make the requisite entries respecting such transfers and scrip certificates in the register kept in this Province; and thereupon the same shall be binding on the company, as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the secretary of the company in this Province.

**45.** Shares in the capital stock of the company may be transferred by any form of instrument in writing; but no transfer shall become effectual unless the stock or scrip certificates issued in respect of the shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Provisions as to transfer of stock.

**46.** Whenever any transfer shall be made in England or the United States of any share of stock of the company, the delivery of the transfer and stock or scrip certificates to the agent or agents of the company for the time being, in London, New York, and Chicago aforesaid, shall be sufficient to constitute the transferee a shareholder or stockholder in the company in respect to the share of stocks so transferred; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register; and the directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registrations of shares of stock and the forms in respect thereof, as well in this Province as elsewhere, and as to the closing of the register of transfers for the purpose of dividends as they may find expedient; and all such regulations not being inconsistent with the provisions of this Act and of the Railway Act as altered or modified by this Act, shall be valid and binding.

Provisions as to transferring stock.

**47.** The directors of the said company, elected by the shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other chartered railway company for the purpose of making any branch or branches to facilitate a connection between this company and such other chartered company.

Arrangements for branches to other lines.

**48.** Any shareholder in the said company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said company, and to vote on the same, and to be eligible to office in the said company.

Aliens and non resident shareholders.

**49.** Conveyances of land to the said company for the purposes of the undertaking made in the form set out in Schedule

Conveyances of lands to the company.

dule B of this Act, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns of the estate or interest, and shall also be a sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Commence-  
ment and  
completion of  
railway.

**50.** The railway shall be commenced within three years, and completed within eight years after the passing of this Act.

Carriage of  
cordwood.

**51.** The said company shall at all times receive and carry cordwood, or any wood to be used as fuel, at a rate not to exceed three cents per ton per mile in full car loads, from all stations within such municipalities as may take the amount of stock in the capital of the said company allotted to them by the directors of the said company, or grant a bonus thereto of equal value or amount; and the said company shall at all times furnish every facility necessary for the free and unrestrained traffic in cordwood, to as large an extent as in other freight carried over said railway.

Telegraph  
line

**52.** For the purpose of constructing, working, and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies are hereby conferred upon the company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Name.

**53.** This Act shall be known and cited as the "Huron and Ottawa Railway Act."

## SCHEDULE A.

(Section 30.)

### CHIEF ENGINEER'S CERTIFICATE.

THE HURON AND OTTAWA RAILWAY COMPANY'S OFFICE,  
ENGINEER'S DEPARTMENT, A.D. 18.

No.

*Certificate to be attached to cheques drawn on The Huron and  
Ottawa Railway Municipal Trust Account.*

I, \_\_\_\_\_, Chief Engineer for the Huron and  
Ottawa Railway Company, do hereby certify, that the sum  
of \$ \_\_\_\_\_ is required to be expended in the construction of  
the \_\_\_\_\_

the portion of the line extending from mile No.                      to mile No.                      , and that payment should be made to the company of such amount from the Municipal Trust Account, the same being in pursuance of the terms and conditions of the By-law of the Municipality of the                      of

## SCHEDULE B.

(Section 49.)

Know all men by these presents, that I, (*or we*) (*insert the name or names and description of the vendor or vendors*) in consideration of                      dollars paid to me (*or us*) by The Huron and Ottawa Railway Company, the receipt whereof is hereby acknowledged, do grant I (*or we*) (*insert the name and description of any other party or parties*) in consideration of                      dollars paid to me (*or us*), the receipt whereof is hereby acknowledged, do grant and release all that land situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of the said railway, to the said The Huron and Ottawa Railway Company their successors and assigns (*here insert any other clauses, covenants or conditions required*) and I (*or we*) the (*wife or wives*) of the said                      do hereby bar my (*or our*) dower in the said lands.

As witness my (*or our*) hand and seal (*or hands and seals*) this                      day of                      one thousand eight hundred and

Signed, sealed and delivered }  
in presence of                      }

[L.S.]

## CAP. XLVII.

An Act to incorporate the Huron and Quebec Railway Company.

[Assented to 24th March, 1874.]

**W**HEREAS the construction of a railway from the town Preamble. and harbour of Goderich, on Lake Huron, through the Counties of Huron, Perth, Wellington, Simcoe, York, Ontario, Victoria, Durham and Peterborough, to connect with the Ontario and Quebec Railway, with power to build a branch to the town of Sarnia, and also a branch from some point on the main line to the village of Fergus and Elora and the town of Guelph, and a branch to the harbour at Toronto, or to some other harbour on Lake Ontario, has become desirable for the development of the



resources of that portion of the Province of Ontario to be traversed by the said railway, and the establishment of the most direct and shortest route from the west to the seaboard, and the public convenience and accommodation of the inhabitants of the said portion of the said Province :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Certain persons incorporated.

1. Malcolm Colin Cameron, Horace Horton, Archibald Bishop, Thomas Mayne Daly, David Drummond Hay, Robert McKim, Maitland McCarthy, Erastus Jackson, the Honourable Peter Gow, John Leckie, Joseph Gould, George Kempt, George Dormer, Elias Burnham, James Stevenson, John Fowler, William John Fowler, and John Henry Dumble, together with such persons and corporations as shall in pursuance of this Act, become shareholders in the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Huron and Quebec Railway Company."

Corporate name.

Certain clauses of the Railway Act to apply.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments thereto, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression, "this Act," when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Interpretation of the words "this Act."

Location of railway.

3. The said company shall have full power under this Act to construct a railway from any point at or near the harbour of Goderich, on Lake Huron, through the counties of Huron, Perth, Wellington, Simcoe, York, Ontario, Victoria, Durham and Peterborough, to connect with the Ontario and Quebec Railway, with power to build a branch to the town of Sarnia, and also a branch from some point on the main line to the villages of Fergus and Elora and the town of Guelph, and a branch to the harbour at Toronto, or to some other harbour on Lake Ontario.

Gauge.

4. The said railway shall be of the gauge of four feet and eight and one half inches.

5. It shall be lawful for the said company to enter into any agreement with any other railway in the Province of Ontario, for leasing the said railway or any part thereof to such other company, of for leasing or hiring from such other company any railway or any part thereof, or for leasing or hiring locomotives or other rolling stock, and generally to make any agreement or agreements with any such other company touching the use by one or the other or by both companies, of the railway or moveable property of either, or of both or of any part thereof; or touching any service to be rendered by one company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting and executing such lease or agreement shall be and is hereby empowered to exercise all the rights, powers and privileges in this Act conferred: Provided the said leases, agreement or agreements have been first respectively sanctioned at special general meetings of the shareholders, called for the purpose of considering the same respectively, under the provisions of the Railway Act, and then by a vote to that end of two-thirds of the shareholders, present either in person or by proxy.

Agreements  
with other  
railway com-  
panies.

6. Conveyances of lands to the said company for the purposes of and powers given by this Act, may be in the form set out in the schedule A hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate, or interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no Registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Form of con-  
veyances to the  
company.

Registration.

7. The said provisional directors until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring therein; to associate with themselves thereon, not more than three other persons, who upon being so named shall become and be directors of the company equally with themselves; to open stock books; and procure subscriptions of stock for the undertaking; to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided; and with all such other powers as under the Railway Act are vested in such boards; The said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any person from subscribing who, in their judgment would hinder, delay or prevent the company from proceeding with, and completing their undertaking under the provisions of this Act; and if at any

Provisional  
directors.

Directors may  
exclude certain  
persons from  
subscribing to  
stock.

any time more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and, in such allocation, the said directors may in their discretion exclude any one or more of the said subscribers if, in their judgment, this will best secure the building of the said railway.

Capital stock.

Preliminary expenses.

**8.** The capital of the company hereby incorporated shall be three hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into three thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township or village on the line of such works may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Ten per cent. of the stock to be paid up.

**9.** On the subscription for shares of the said capital stock each subscriber shall pay ten per centum of the amount subscribed by him into some chartered bank to be designated by the directors, to the credit of the said company.

Future calls.

**10.** Hereafter calls may be made by the directors for the time being, as they shall see fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber and at intervals of not less than thirty days.

General meeting for the election of directors.

**11.** As soon as shares to the amount of one hundred thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank having an office in the Town of Goderich, which shall on no account be withdrawn therefrom unless for the service of the company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof for the purpose of electing directors to the said company.



**12.** It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

Directors may accept payment in full of stock.

**13.** In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

How meeting may be called if provisional directors neglect to call the same.

**14.** In either case notice of the time and place of holding such general meeting shall be given in the *Ontario Gazette*, and in one local newspaper published at Goderich and Peterborough, once in each week, for the space of at least two weeks, and such meeting shall be held at the Town of Goderich, at such place therein and on such day as may be named by such notice: At such general meeting the subscribers for the capital stock assembled who shall have so paid ten per centum thereof, with such proxies as may be present shall choose nine persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Notice of general meeting.

Election of directors.

**15.** Thereafter the general annual meeting of the shareholders of the said company shall be held in such place, and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least two weeks previously in the *Ontario Gazette*, and in one local newspaper published at Goderich and Peterborough once in each week.

Annual meetings.

**16.** Special general meetings of the shareholders of the said company may be held at such places, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company.

Special general meetings.

**17.** Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him, provided that no one shareholder shall be entitled to more than fifty votes at any meeting, notwithstanding the amount of shares held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Scale of votes.

Corporations,  
how represent-  
ed at meetings.

**18.** At all meetings of the company the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by-law; and such person shall at such meeting be entitled equally with other shareholders to vote by proxy.

Qualification  
of directors.

**19.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls due thereon.

Quorum of  
directors.

**20.** Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby invested in the said directors.

Aid to com-  
pany from Go-  
vernment, &c.

**21.** The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from mu-  
nicipalities.

**22.** Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto, instead of sections four hundred and seventy-two, four hundred and seventy-three and four hundred and seventy-four of the Municipal Institutions Act: Provided always that no such aid shall be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality, (as the case may be,) as provided in the Municipal Act for the creation of debts.

Manner of sub-  
mitting by-law  
to ratepayers.

**23.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition, by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid ;

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities, with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities or sections proposed to be grouped, being duly qualified voters as aforesaid.

24. Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous ; but no minor municipality or section thereof, which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law.

Aid from portions of county municipalities.

Grouping of union municipalities.

25. In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom ; and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Proceedings on opposing submission of by-law.

Arbitration.

26. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of

Rate to be levied only on the part of of



municipality  
granting  
bonus.

of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality, and the voting thereon shall be limited to the duly qualified voters in such portions only.

Company to  
make deposit  
for expenses.

**27.** Before any such by-law is submitted, the railway company shall deposit with the Treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Interpretation  
of words  
"minor municipality."

**28.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

By-laws to be  
valid, though  
the annual  
rate exceed  
two cents in  
the dollar.

**29.** No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or section affected thereby, but for the purpose of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act.

Provisions of  
by-law.

**30.** Such by-law shall in each instance provide:

1. For raising the amount petitioned for in the municipality or portions of the county municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law;

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures, within twenty years, with interest thereon, payable yearly or half-yearly, or by equal annual instalments, of principal and interest, which debentures the respective municipal councils, warden, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively: Provided that in case the sum raised under the authority of such by-law, is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

If by-law defeated, limit of  
time for submitting similar  
one.

**31.** In case the by-law submitted is not approved of, no other by-law, which is in substance the same shall be submitted to the voters of the same municipality or portion of the county municipality

cipality, until after the expiration of six months from such rejection.

**32.** In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same, shall read the said by-law a third time and pass the same.

If by-law carried, council to pass the same,

**33.** Within one month after the passing of such a by-law, the said council, and the warden, reeve, or other officers thereof, shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

and issue the debentures.

**34.** The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township a like amount of debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in each case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

County Corporations may exchange their debentures for those of the townships.

**35.** Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided, that if the said council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the company; and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

Trustees for municipal debentures.

**36.** The said trustees shall receive the said debentures or bonds in trust; firstly, under the direction of the company, to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks having an office in this Province, in the name of "The Huron and Quebec Railway Municipal Trust Account," and to pay the same out

Trusts on which debentures are to be held.

to

to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule B hereto, or to the like effect setting out the portion of the railway to which the money paid out is to be applied, and that the sum so certified for, is in pursuance of the terms and conditions of the by-law; and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

Trustees' fees—Act of two to govern.

**37.** The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees to be as valid and binding as if the three had agreed.

Company may receive gifts of lands.

**38.** Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company

Municipalities may exempt Company from taxation.

**39.** It shall further be lawful for the council of any municipality in which any part of the railway of the company is situated, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Council may extend time.

**40.** It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works on the completion of which the said company would be entitled to such bonuses.

Councils may contribute towards preliminary expenses.

**41.** It shall be lawful for the council of any township or county municipality interested in the said extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all, or part of the costs, charges and expenses of, and incidental to, the submission of any by-law to the said qualified

voters



voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges, and expenses: Provided always that no one such bonus shall exceed five thousand dollars.

**42.** Whenever any municipality or portion of a municipality shall aid, loan, guarantee, or give money or bonds by way of bonus to aid the making, equipment, and completion of said extension and branches, or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality, binding the said company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same.

Municipalities may agree as to application of bonus.

**43.** The directors of the said company after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding twenty thousand dollars per mile of railway, to be signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be first and preferential claims and charges upon the said undertaking and the property of the company real and personal then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking, and the property of the company as aforesaid: And provided also further that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Issue of bonds by the company.

Rights of bondholders at annual meetings.

**44.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill

Company may make promissory notes, &c.,

but not to be  
circulated as  
money,

bill of exchange, nor shall the president or vice-president, or secretary and treasurer, be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Acquiring  
lands for  
gravel pits, &c.

45. Where stone, gravel, or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money in Court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid: and such proceedings may be had by the said company either for the right to the fee simple in the land from which the said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Laying tracks  
to gravel pits,  
&c.

46. When the said gravel, stone, or other materials shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act and of the special Acts relating to said company's Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Powers as to  
lands for sta-  
tions, etc.

47. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing,

structing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same or part thereof from time to time as they may deem expedient.

48. The said railway shall be commenced within two years and completed within ten years after the passing of this Act, and in default thereof, the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Commence-  
ment and com-  
pletion of  
Railway.

49. Nothing in this Act shall prevent any municipality from subscribing for stock of the company pursuant to the Act or Municipal Act.

Municipalities  
may subscribe  
for stock.

50. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the Company.

Telegraph  
lines.

## SCHEDULE A.

(See section 6.)

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by the Huron and Quebec Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or certain parcels *as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said The Huron and Quebec Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*); and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.



As witness my (or our) hand and seal (or hands and seals)  
 this day of one thousand eight hundred  
 and

Signed sealed and delivered }  
 in the presence of }

L. S.

## SCHEUDLE B.

(See Section 36.)

## CHIEF ENGINEER'S CERTIFICATE.

THE HURON AND QUEBEC RAILWAY COMPANY'S OFFICE,  
 ENGINEER'S DEPARTMENT, A.D. 18

No.

*Certificate to be attached to cheques drawn on the Huron and  
 Quebec Railway Municipal Trust Account.*

I, Chief Engineer for The Huron and  
 Quebec Railway Company, do hereby certify, that the sum  
 of \$ is required to be expended in the construction of  
 the portion of the line extending from mile No. to mile  
 No. , and that payment should be made to the com-  
 pany of such amount from the Municipal Trust Account, the  
 same being in pursuance of the terms and conditions of the By-  
 law of the Municipality of the of

## CAP. XLVIII.

An Act to incorporate the London and Erie Railway  
 Company.

[Assented to 24th March, 1874.]

Preamble.

WHEREAS a petition has been presented praying that a  
 company may be incorporated to construct a railway  
 from a point in or near the City of London, intersecting the  
 Canada Southern Railway, at or near the junction with the  
 Mooretown branch thereof, with power to extend the same to  
 some point or points on Lake Erie; and it is expedient to grant  
 the prayer of the petitioners;

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

Incorporation.

1. Samuel Peters, John McClary, Samuel Shepard, Murray  
 Anderson, John Ellison, James Beggs, Ellis W. Hyman, and  
 George

George G. McGee, together with such persons and corporations as shall, in pursuance of this Act, become shareholders of the said company, hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "The London and Erie Railway Company."

Corporate name.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth, and sixth clauses thereof, and also the several clauses thereof, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway," "and general provisions," shall be incorporated with and deemed to be a part of this Act, and shall apply to this said company, and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments thereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act, so incorporated with this Act.

Certain clauses of the Railway Act to apply.

Interpretation of the words "this Act."

3. The said company, and their servants and agents, shall have full power, under this Act, to construct a railway from any point in or near the City of London, intersecting the Canada Southern Railway, at or near the junction with the Mooretown branch thereof, and thence to some point or points on Lake Erie.

Location of line.

4. The said company shall have full power to pass over any portion of the country between the points aforesaid, and to carry the said railway through the Crown Lands lying between said points, and to carry the same along any public road or highway; provided they shall have first obtained the sanction of the council of the municipality in which such road or highway is situated.

Power to pass over certain lands and roads.

5. The gauge of the said railway shall not be less than four feet eight inches, but may be wider in the discretion of the directors of said company.

Gauge.

6. Conveyances of lands to the said company, for the purposes of this Act, may be made in the form set out in the schedule "A" hereunder written, or to the like effect, and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Form of conveyances.

Provisional  
directors.

7. From and after the passing of this Act, the said Samuel Peters, John McClary, Samuel Shepard, Murray Anderson, John Ellison, James Beggs, Ellis W. Hyman, and George G. McGee, shall be the provisional directors of the said company.

Powers of pro-  
visional di-  
rectors.

8. The said provisional directors, until others shall be named, as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring therein ; to open stock-books ; to make a call upon the shares subscribed therein ; to call a meeting of the subscribers thereto, for the election of other directors, as hereinafter provided, and with all other powers as, under the Railway Act, are vested in such boards.

Capital stock.

9. The capital of the company, hereby incorporated, shall be one hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act) to be divided into two thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place, to the payment and discharge of all fees, expenses, and disbursements, for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorised ; and all the remainder of such moneys shall be applied to the making, equipment, and completion of the said railway and the other purposes of this Act, and to no other purpose whatever ; and until such preliminary expenses shall be paid out of the capital stock it shall be lawful for the municipality of any city, county, township, or village to pay out of the funds of such municipality, or for any individual or individuals, to pay and advance, either by way of bonus or donation, or by way of loan to the said company, such preliminary expenses, or any part thereof, as to the council of such municipality, or to such individual or individuals may appear expedient ; and in case of a loan, any sum thus advanced shall be refunded to the municipality, or individual or individuals, from the stock of said company, or shall be allowed in payment of any stock which may be subscribed for by said municipality, or individual or individuals.

Exemption  
from taxation.

10. It shall be lawful for the corporation of any municipality through any part of which the said railway passes, or is situated by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding fifteen years.



**11.** Notwithstanding anything in the Act passed in the thirty-fifth year of the Reign of Her Majesty Queen Victoria, chaptered seventy-five, or any other Act, it shall be lawful for the corporation of the City of London to grant a bonus in aid of the said railway, and to issue debentures for the payment of such bonus; Provided always, that the debentures issued under the authority of the said recited Act shall have priority over the debentures (if any) to be issued under the authority of this Act; And provided also, that nothing in this Act contained shall in any wise affect any existing claim by the late Province of Canada, or by the Province of Ontario against the said corporation arising out of any debt contracted by the said corporation under the Consolidated Municipal Loan Fund Act.

Bonus from  
City of Lon-  
don.

**12.** The said company may receive from any Government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift, or loan in money, or debentures or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid to Com-  
pany from  
Government,  
&c.

**13.** Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto, instead of sections four hundred and seventy-two, four hundred and seventy-three and four hundred and seventy-four of the Municipal Institutions Act: Provided always, that no such aid shall be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality, (as the case may be) as provided in the Municipal Act for the creation of debts.

Aid from  
Municipalities

**14.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

Manner of  
submitting by-  
laws to rate-  
payers.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid;

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said municipalities, or sections proposed to be grouped, being duly qualified voters as aforesaid.

Aid from  
portions of  
County Muni-  
cipalities.

Grouping  
minor muni-  
cipalities.

15. Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous; but no minor municipality or section thereof, which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law.

Proceedings in  
opposing sub-  
mission of by-  
law.

Arbitration.

C sts.

16. In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county, or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities, or portions thereof, comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein; and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed and amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company, or the county, as the arbitrators may order.

Rate to be  
levied only on  
the part of

17. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that  
of

of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality; and the voting thereon shall be limited to the duly qualified voters in such portions only.

**18.** Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

municipality  
granting  
bonus.  
  
Railway to  
make deposit  
for expenses.

**19.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

Interpretation  
of the words  
"minor munici-  
pality."

**20.** No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or sections affected thereby; but for the purposes of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act.

By-laws to be  
valid, though  
the annual  
rate exceed  
two cents in  
dollar.

**21.** Such by-law shall in each instance provide:

1. For raising the amount petitioned for in the municipality or portions of the county municipality (as the case may be), mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law;

Requisites of  
by-law.

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures, within twenty years with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest; which debentures the respective municipal councils, warden, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively: Provided that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

**22.** In case the by-law submitted is not approved of, no other by-law which is in substance the same shall be submitted to the

If by-law de-  
feated, limit of  
time for sub-



mittingsimilar one. the voters of the same municipality or portions of the county municipality, until after the expiration of six months from such rejection.

If by-law carried, council to pass the same,

**23.** In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same, shall read the said by-law a third time and pass the same.

and issue the debentures.

**24.** Within one month after the passing of such by-law, the said council, and the warden, reeve or other officer thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

Corporation may change their debentures for those of the townships.

**25.** The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township, a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council; but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

Trustees for municipal debentures.

**26.** Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor, shall within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided that if the said Council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the said company; and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

Trusts in which debentures are to be held.

**27.** The said trustees shall receive the said debentures or bonds in trust: firstly under the direction of the company to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks, having an office in this Province, in the name of "The London and Erie Railway Municipal Trust Account," and to pay the same out to the said

said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule B hereto, or to the like effect setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for, is in pursuance of the terms and conditions of the by-law, and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

**28.** The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees to be as valid and binding as if the three had agreed. Trustees' fees.  
Act of two to govern.

**29.** Any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality; and such director shall be, in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents. Municipal directors.

**30.** Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company. Company may receive gifts of land.

**31.** It shall further be lawful for the council of any municipality in which any part of the railway of the company is situated by by-law especially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross or by way of commutation or composition for payment; or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed, unless in conformity with a condition contained therein. Municipalities may exempt company from taxation.

**32.** It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works on the completion of which the said company would be entitled to such bonuses. Council may extend time.

Councils may contribute towards preliminary expenses.

**33.** It shall be lawful for the council of any township or county municipality interested in the said extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all, or part of the costs, charges and expenses of, and incidental to the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses; Provided always that no one such bonus shall exceed five thousand dollars.

Municipalities may agree as to application of bonus.

**34.** Whenever any municipality or portion of a municipality shall aid, loan, guarantee or give money or bonds by way of bonus to aid the making, equipment and completion of said extension and branches, or any part or parts thereof, it shall be lawful for the said Company to enter into a valid agreement with any such municipality binding the said Company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same otherwise as may be agreed upon.

Election of Directors.

**35.** As soon as shares to the amount of at least forty thousand dollars of the capital stock of the said company other than by municipalities shall have been subscribed, and twenty per centum paid thereon into some chartered bank having an office in the City of London, (which shall only be drawn therefrom for the use of the company) the directors shall call a general meeting of the subscribers to such capital stock who shall have paid up twenty per centum thereof for the purpose of electing directors of the said company.

If provisional Directors neglect to call meeting, how to be called.

**36.** In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and twenty per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up twenty per centum and who are each subscribers for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

Notice of meeting.

**37.** In either case, notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette* and in one newspaper in the city of London and town of St. Thomas respectively, once in each week for the space of at least one month, and such meeting shall be held in the city of London at such place therein, and on such day, and at such time as may be named by such notice.

Proceedings at meeting.

**38.** At such general meetings the subscribers for the capital stock assembled, who shall have so paid up twenty per centum thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said company, and may also also



make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

**39.** Such directors shall be chosen from the shareholders, and no person shall be qualified to be elected as such director unless he holds at least ten shares in the capital stock of said company, and has paid up all calls thereon. Qualification of directors.

**40.** Thereafter the general annual meetings of the shareholders of the said company shall be held in such place in the city of London, and on such days and at such hours as may be directed by the by-laws of the said company; and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette*, and in one or more newspapers published in the counties through which the railway runs. Annual meetings.

**41.** Special general meetings of the shareholders of the said company may be held at such places in the city of London, and at such times and in such manner and for such purposes as may be provided by the by-laws of said company. Special meetings.

**42.** The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the president or vice-president of the said company and countersigned by the secretary and treasurer and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the said company, real and personal, then existing, and at any time thereafter acquired; and each holder of any such bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all other holders of such bonds, upon the undertaking and property of the company as aforesaid: Provided, however that the amount of such bonds outstanding at any one time shall not exceed the sum of twelve thousand dollars for each mile of the railway actually contracted for and under construction or completed at the time of such issue: And Provided also that the amount of such issue shall not at any time be in excess of the amount actually expended in the surveys, purchase of right of way, and in works of construction upon the line, or for material actually furnished and delivered to the company within the Province of Ontario or Quebec: And Provided also further, in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of such bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are enjoyed by or attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered Issue of bonds.

Proviso.

Proviso.

Proviso:

Rights of unpaid bondholders.

registered in the same manner as is provided for the registration of shares.

Sidings included in main line.

**43.** In computing the mileage referred to in the last preceding clause, sidings should be included in addition to the main line not to exceed ten per centum of each mile of the railway.

Bonds, &c., may be made payable to bearer.

**44.** All such bonds, debentures and other securities and coupons and interest warrants thereon, respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name.

Negotiable instruments.

**45.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or the secretary and treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors as herein provided and enacted: Provided however that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

Scale of votes

**46.** Every shareholder of one or more shares of the said capital stock, shall at any general meeting of the said shareholders be entitled to one vote for every share so held by him.

Municipal directors.

**47.** At all meetings of the company the stock held by municipal and other corporations, may be represented by such person as they shall respectively have appointed for that purpose by by-law; and such person shall at such meetings be entitled equally with other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholders, shall have been paid up at least one week before the day appointed for such meeting.

Quorum of directors.

**48.** Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby invested in the said directors.

**49.** On the subscription for shares of the said capital stock, each subscriber shall pay forthwith to the directors for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of the said company.

Twenty per cent. to be paid up.

**50.** Thereafter calls may be made by the directors for the time being as they shall see fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber.

Calls.

**51.** Whenever it shall be necessary for the purpose of securing sufficient lands for stations or gravel pits, or for constructing maintaining and using the said railway, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same or parts thereof from time to time as they may deem expedient.

Procuring lands for gravel pits, &c.

**52.** It shall be lawful for the said company to enter into any agreement with any other railway company for leasing the said railway or any part thereof, or the use thereof, at any time or times or for any period to such other railway company, or for leasing or hiring from any other company any railway or part thereof, or the use thereof; or for the leasing or hiring any locomotives, tenders or movable property, and generally to make any agreement or agreements, with any such other company touching the use by the one or the other, or by both companies of the railway or moveable property of either or both or any part thereof, and any such lease or agreement shall be valid and binding, and shall be enforced by a court of law according to the terms and tenor thereof, and such other company accepting and executing such lease or agreement, shall be and hereby is empowered to exercise all the rights and privileges conferred on the said The London and Erie Railway Company, by this Act, provided that no such agreement shall be valid unless the same shall have been sanctioned at a general meeting of two-thirds of the shareholders, voting in person or by proxy, of the London and Erie Railway Company, specially convened for that purpose.

Company may agree with other Companies as to leasing.

**53.** It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any portion thereof, including or excluding the purchase of the right of way; and to pay therefor either in cash or bonds, or in paid up stock; notwithstanding that one or more of such contractors may be shareholders or directors in the company: Provided that no such contract shall be of any force or validity till approved of by the shareholders at a meeting specially convened for considering the same.

Contract for construction of railway.

**54.**



Commence-  
ment and com-  
pletion of rail-  
way.

**54.** The said railway shall be commenced within two years, and completed within four years after the passing of this Act, or else the charter shall be forfeited.

## SCHEDULE A.

(Section 6.)

Know all men by these presents, that I (or we) (*insert also the name of the wife or any other person who may be a party*) in consideration of                      dollars of lawful money of Canada, paid to me (*or us as the case may be*) by the London and Erie Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I the said                      do grant and release, or do bar my dower (*as the case may be*) in all that certain parcel (*or those certain parcels, as the case may be*) of land situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said, The London and Erie Railway Company, their successors and assigns.

As witness my (or our) hand and seal (or hands and seals) this                      day of                      one thousand eight hundred and                     

Signed, sealed and delivered }  
in presence of                      }

[L. S.]

## SCHEDULE B.

(Section 27.)

### CHIEF ENGINEER'S CERTIFICATE.

THE LONDON AND ERIE RAILWAY COMPANY'S OFFICE  
ENGINEER'S DEPARTMENT, A. D. 18

No.

*Certificate to be attached to cheques drawn on the London and Erie Railway Municipal Trust Account.*

I,                      Chief Engineer for the London and Erie Railway Company, do hereby certify, that the sum of \$                      is required to be expended in the construction of the portion of the line extending from mile No.                      to mile No.                      ; and that payment should be made to the Company of such amount from the Municipal Trust Account, the same being in pursuance of the terms and conditions of the By-law of the Municipality of the                      of                     

CAP.

## CAP. XLIX.

An Act to amend the Act incorporating the London, Huron and Bruce Railway Company, and for other purposes.

[Assented to 24th March, 1874.]

**W**HEREAS the London, Huron and Bruce Railway Com- Preamble.  
pany have, in conformity with the provisions of "The Railway Act," located the line of their railway and prepared and deposited maps and plans, and books of reference, and made substantial progress towards the execution of the work of their railway; but the said company have represented that it may be necessary at some points to deviate from the line so located and laid down in said maps and plans, to a greater distance than one mile, and have petitioned for power to make such deviation, and for other purposes; and it is expedient to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the said company have located their said line of railway, and deposited maps or plans thereof, and of the lands intended to be passed over and taken therefor, and also a book of reference, in accordance with the provisions of "The Railway Act," the said company may and is hereby authorized, if it deem it necessary or desirable, to deviate more than one mile from the line of the railway, or any part thereof, or the places assigned thereto in the said map or plan, or books of reference, and upon such deviation shall have the same rights, exercise the same powers, and be subject to the same conditions as though the line adopted by such deviation had been the one originally selected and laid down: Provided however that nothing herein contained shall be construed to authorize a deviation of such line from any route which has been agreed upon between the said company and any municipality which has granted a bonus to the said company to aid in the construction of the said railway. Company may deviate from original line.

2. The thirteenth section of the Act of the Legislature of 34 V., c. 42, s. 13, amended.  
the Province of Ontario, passed in the thirty-fourth year of the reign of Her Majesty, Queen Victoria, and chaptered forty-two, is hereby amended by adding after the last word of the said section the following words: "or in any other municipality, or upon any particular portion of the line of railway or works of the company specified in such agreements respectively, and in case of any such agreement the certificate of the Chief Engineer of the said railway referred to in the sixteenth section of this Act, shall be modified to meet the circumstances;" and the said section

section as amended shall be so construed as to authorize the like agreements which may have been entered into before the passing of this Act.

Time for commencement of railway extended.

3. That inasmuch as the said company have made substantial progress towards the execution of the railway, but actual work of construction cannot at present be effectually proceeded with; in order to avoid doubts it is hereby enacted that the time for the commencement of such actual work of construction shall be and is hereby extended until the fifteenth day of January, one thousand eight hundred and seventy-five; and the said Act above referred to shall be construed as though this were the time thereby limited for the commencement of the railway.

## CAP. L.

### An Act to incorporate The London Junction Railway Company.

[Assented to 24th March, 1874.]

Preamble.

WHEREAS the construction of a railway from a point at or near the City of London to intersect the line of the Canada Southern Railway Company between the Town of St. Thomas and the Town of Tilsonburgh, or to a point at or near either of those places, has become desirable for the development of the resources of the City of London and the adjacent country: And whereas a petition has been presented for the incorporation of a company for that purpose, and it is expedient to grant the prayer thereof:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation.

1. Edward Harris, Ellis W. Hyman, Robert Reid, Joseph Jeffery and James Magee, together with all such persons and corporations as shall become shareholders in the company hereby incorporated shall be, and the same are hereby constituted a body corporate and politic, by and under the name of "The London Junction Railway Company."

Corporate name.

Certain clause of Railway Act to apply.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meeting," "president and directors their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders,"



"shareholders," "actions for indemnity and fines, and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," and all Acts in force in this Province amending the same shall be incorporated with, and be deemed to be a part of this Act, and shall apply to the said company, and to the railway to be constructed by them except only so far as the same may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein shall be understood to include the clauses of the said Railway Act and amendments thereto so incorporated with this Act.

Interpretation  
of the words  
"this Act."

3. The said company shall have full power to lay out and construct a double or single railway of any gauge from a point at or near the City of London to intersect the line of the Canada Southern Railway Company between the Town of St. Thomas, in the County of Elgin, and the Town of Tilsonburgh, in the County of Oxford, or to a point at or near either of those places, with full power and authority to pass over any part of the country between the points aforesaid, and to construct the said railway through the Crown lands lying between the said points or on the line of the said railway.

Location of  
line.

4. The persons named in the first section of this Act shall be and are hereby constituted provisional directors, of the said company of whom three shall be a quorum, and shall have power to fill vacancies occurring, and to add not more than eight to their number, and shall hold office as such until the first election of directors under this Act; and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to receive payment for stock subscribed, and make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made; and to deposit in any chartered bank of Canada, all moneys received by them on account of stock subscribed, and to withdraw the same for the purpose of the undertaking; and to receive for the company any grant, loan, bonus and gift made to it or in aid of the undertaking; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway and with all such other powers as under the Railway Act of the Consolidated Statutes of Canada are vested in ordinary directors.

Provisional  
directors.

Powers.

5. The capital stock of the said company shall be one hundred thousand dollars (with power to increase the same in manner provided by the Railway Act) to be divided into shares of one hundred dollars each; and the money so raised shall be applied in the first place to the payment of all fees and expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all other preliminary expenses connected with the undertaking, and all the remainder of such money shall

Capital stock.

shall be applied to the making, equipping, completing and maintaining the said railway, and otherwise generally for the purposes of this Act; and until such preliminary expenses shall be paid out of said capital stock, the municipal corporation of any township on or near the line of said railway may pay out of the general funds of such municipality the said preliminary expenses or a proportion of the preliminary expenses, which shall thereafter if such municipality shall so require, be refunded to such municipality from the capital stock of said company, or be allowed to it in payment of stock.

Ten per cent  
to be paid on  
stock.

6. No subscription for stock in the capital of the company shall be binding on the company unless ten per centum of the sum subscribed has been actually paid thereon into some chartered bank to be designated by the directors to the credit of the company within one month after the same has been so subscribed.

General meet-  
ing.

7. As soon as shares to the amount of one-half of the capital stock of said company shall have been subscribed and ten per centum thereof paid into some chartered bank in the City of London, and on no account to be drawn therefrom unless for the services of the company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have paid in ten per centum of their shares, at the City of London, for the purpose of electing directors of the said company.

Election of  
directors.

8. At such general meeting, the subscribers for the capital stock assembled with such proxies as may be present, shall choose five persons to be directors of the said company, (of whom three shall be a quorum) and may also pass such rules, regulations and by-laws, with reference to the said company as may be deemed expedient, provided they be not inconsistent with this Act.

Qualification  
of directors.

9. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid all calls thereon.

Time and  
place of  
meetings.

10. Thereafter the general annual meeting of the shareholders of the said company, shall be held at such place in the City of London and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least fourteen days previously in one or more newspapers published in the city of London aforesaid.

Notice.

London may  
grant bonus.

11. Notwithstanding anything in the Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, chaptered seventy-five, or any other Act, it shall be lawful for the corporation of the City of London to grant a bonus in aid of the said railway, and to issue debentures for the payment of such bonus:

Provided

Provided always that the debentures issued under the authority of the said recited Act shall have priority over the debentures (if any) to be issued under the authority of this Act: And provided also, that nothing in this Act contained shall in any wise affect any existing claim by the late Province of Canada or by the Province of Ontario against the said corporation arising out of any debt contracted by the said corporation under the Consolidated Municipal Loan Fund Act.

**12.** Special general meetings of the shareholders of the said company may be held at such places in the City of London, and at such times and in such manner, and upon the notice mentioned in the tenth section of this Act, and for such purposes as may be prescribed by the by-laws of the company. Special meetings of shareholders.

**13.** Every shareholder holding one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him or her, and no shareholder shall be entitled to vote on any matter whatever, unless all calls due upon the stock upon which such shareholder seeks to vote shall have been paid up at least one month before the day appointed for such meeting. Scale of votes

**14.** The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid to company from Government &c.

**15.** Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto instead of sections four hundred and seventy-two, four hundred and seventy-three, and four hundred and seventy-four of the Municipal Institutions Act: Provided always, that no such aid shall be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality, (as the case may be,) as provided in the Municipal Act for the creation of debts. Aid from municipalities.

**16.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely: Manner of submitting by-laws to ratepayers.

**1.** The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what



what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid ;

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section\* or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities, or sections proposed to be grouped, being duly qualified voters as aforesaid.

Aid from portions of county municipalities.

17. Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous; but no minor municipality or section thereof which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law.

Grouping of minor municipalities.

Proceedings in opposing submission of by-laws.

18. In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein; and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality

Arbitration.

cipality or any section thereof therefrom; and the decision of any two of them shall be final, and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

**19.** In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality, and the voting thereon shall be limited to the duly qualified voters in such portion only.

Rate to be levied only on the part of municipality granting bonus.

**20.** Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Company shall make deposit for expenses.

**21.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

Interpretation words "minor municipality."

**22** No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or section affected thereby, but for the purpose of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act.

By-laws to be valid, though the annual rate exceed two cents in the dollar.

**23.** Such by-law shall in each instance provide:—

1. For raising the amount petitioned for in the municipality or portions of the county municipality, (as the case may be,) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law;

Provisions of by-laws.

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest, which debentures the respective municipal councils, warden, reeves, and other officers thereof are

hereby

hereby authorized to execute and issue in such cases respectively: Provided that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

If by-law defeated similar one not to be submitted until after six months.

**24.** In case the by-law submitted is not approved of, no other by-law which is in substance the same shall be submitted to the voters of the same municipality or portions of the county municipality, until after the expiration of six months from such rejection.

If by-law carried, council to pass the same,

**25.** In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time, and pass the same.

and issue the debentures.

**26.** Within one month after the passing of such by-law, the said council, and the warden, reeve or other officers thereof, shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

Corporation may exchange their debentures for those of the townships.

**27.** The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

Trustees for municipal debentures.

**28.** Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided, that if the said Council shall refuse or neglect to name such trustee, or if the Lieutenant Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, with the consent of the said company, and

in



in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustees may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

**29.** The said trustees shall receive the said debentures or bonds in trust: firstly, under the direction of the company, to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks having an office in this Province, in the name of "The London Junction Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule A hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for, is in pursuance of the terms and conditions of the by-law, and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

Trusts on which debentures are to be held.

**30.** The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees to be as valid and binding as if the three had agreed.

Trustees' fees. Act of two to govern.

**31.** Any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality; and such director shall be, in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

Municipal directors.

**32.** Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same of the benefit of the said company.

Company may receive gifts of lands.

**33.** It shall further be lawful for the council of any municipality in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either

Municipalities may exempt Company from taxation.

either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment ; or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Council may extend time.

**34.** It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonuses.

Councils may contribute towards preliminary expenses.

**35.** It shall be lawful for the council of any township or county municipality interested in the said extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all, or part of the costs, charges and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses ; provided always that no one such bonus shall exceed five thousand dollars.

Municipalities may agree as to application of bonus.

**36.** Whenever any municipality or portion of a municipality shall aid, loan, guarantee, or give money or bonds by way of bonus to aid the making, equipment and completion of said extension and branches, or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same.

Issue of bonds.

**37.** The Directors of the said company are hereby authorized and empowered with the sanction of the shareholders, to issue bonds for the purpose of raising money for prosecuting the said undertaking ; and such bonds shall without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and present and future property of the company, including rolling stock and equipments ; and each holder of said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata*, with all the other holders thereof upon the undertaking and the property of the company ; Provided, that the whole amount of such issue of bonds, shall not exceed in all the sum of fifteen thousand dollars per mile, nor shall the amount of each bond issued at any one time be in excess of municipal and other bonuses and paid up share capital, actually expended in surveys, purchase of right of way and works of construction and equipment upon the

Limit to issue.

the line of said railway, or materials actually purchased, paid for, and delivered to the company.

**38.** All such bonds, debentures and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery. Bonds may be made payable to bearer.

**39.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note or bill of exchange, made or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with the proper authority, until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank. Negotiable instruments.

**40.** The said Company may enter into any arrangement with any other railway company or companies for the working of the said Railway, on such terms and conditions as the directors of the several companies may agree on; or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof; or for the leasing or hiring of any locomotives, and generally to make any agreement or agreements, with any other company touching the use by one or the other, or by both companies, of the railway, or rolling stock, or either or both or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and any such agreement shall be valid and binding according to the tenor thereof: Provided that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act; and the company or companies leasing or entering into agreements for using the said line may and are hereby authorized to work the said Railway in the same manner and in all respects as if incorporated with its own line. Company may arrange with other companies as to leasing their line, &c. Proviso.

**41.** The said Company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act Power to mortgage bonds.

Act



Act egally issue for the construction of the railway, or otherwise.

Acquiring land for stations or gravel pits.

**42.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, ballast for constructing, maintaining and using the said railway, and in case by purchasing the whole or any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also, the right of way thereto, if the same be separated from their railway, and sell and convey the same or part thereof from time to time as they may deem expedient.

Powers of the company as to stone, gravel, etc.

**43.** Where stone, gravel or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required; and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway; and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Form of conveyances to Company.

**44.** Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set out in schedule B, hereunder written or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns of the estate or interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in the same manner and upon such proofs of execution, as is required under the Registry Laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificate endorsed on the duplicate thereof.

Commencement and completion of railway.

**45.** The railway shall be commenced within two years and completed within four years after the passing of this Act.

SCHEDULE

SCHEDULE A.

(Section 29).

CHIEF ENGINEER'S CERTIFICATE.

THE LONDON JUNCTION RAILWAY COMPANY'S OFFICE,  
ENGINEER'S DEPARTMENT, A. D. 18

No.

*Certificate to be attached to cheques drawn on The London Junction Railway Municipal Trust Fund Account.*

I, \_\_\_\_\_, Chief Engineer for the The London Junction Railway Company, do hereby certify that the sum of \$ \_\_\_\_\_ is required to be expended in the construction of the portion of the line extending from mile No. \_\_\_\_\_ to mile No. \_\_\_\_\_, and that payment should be made to the Company of such amount from the Municipal Trust Account, the same being in pursuance of the terms and conditions of the by-law of the Municipality of the \_\_\_\_\_ of \_\_\_\_\_

SCHEDULE B.

(Section, 44.)

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors,*) in consideration of \_\_\_\_\_ dollars, paid to me (or us) by "The London Junction Railway Company," the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name or names of any party or parties*) in consideration of \_\_\_\_\_ dollars paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels *as the case may be*) of land situate, (*describe the land*) the same having been selected and laid out by the said Company for the purposes of this railway, to hold with the appurtenances unto the said The London Junction Railway Company, their successors and assigns, (*here insert any other clauses, covenants or conditions required*) and I (or we) the wife (or wives) of the said \_\_\_\_\_ do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals,) this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_  
Signed, sealed, and delivered }  
in presence of }

L. S.

## CAP. LI.

An Act to amend an indenture made between The  
London and Port Stanley Railway Company and  
The Great Western Railway Company.

[Assented to 24th March, 1874.]

WHEREAS, an indenture bearing date the first day of September, in the year of our Lord one thousand eight hundred and seventy-two, has been made between the London and Port Stanley Railway Company and The Great Western Railway Company which said indenture is set out in the schedule to this Act; And whereas, the London and Port Stanley Railway Company, and also the Corporation of the City of London, and the Corporation of the Town of St. Thomas, being the holders of all the mortgage bonds of the said the London and Port Stanley Railway Company, have petitioned that the said indenture may be amended as hereinafter set forth; And whereas, it is expedient to so amend the said indenture and confirm it as amended, so far as the said London and Port Stanley Railway Company and the said municipal corporations are respectively concerned:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Sixth paragraph of the indenture between the L. & P. S. R. Co., and the G. W. R. Co. amended.

1. The said indenture in the schedule of this Act set forth is hereby amended, by adding to the end of the sixth paragraph thereof, the following words, that is to say: "and further, that the rates to be charged by the Great Western Railway Company, for passenger and freight traffic upon the London and Port Stanley Railway during the said term shall not exceed the regular tariff rates of the London and Port Stanley Railway Company for like services, in force on the first day of September, in the year of our Lord one thousand eight hundred and seventy-two." And the said indenture, as so amended, is hereby confirmed, and shall be and is hereby declared to be valid, binding and effectual, as well as respects the London and Port Stanley Railway Company as against the said Corporations of London and St. Thomas respectively, upon the conditions following, that is to say:

Confirmation of the indenture.

FIRST.—That the said, the Great Western Railway Company, and the said, the London and Port Stanley Railway Company, shall, within the period of one year from the passing of this Act, enter into a joint and several covenant with the Corporations of the City of London and the Town of St. Thomas respectively, that so long as the said corporations, or either of them shall continue to be mortgagees of the said, the London and Port Stanley Railway Company, the salaries of the officers of the said railway company and the expenses of the board of directors,



directors, including remuneration to the president, vice-president, and the directors, shall not together exceed the sum of two hundred dollars per annum, during the term of the said indenture, and that the said, the Great Western Railway Company, shall, and may, during the term of the said indenture, and on demand, pay and divide, after the same shall become due, from time to time, nineteen thousand eight hundred dollars of the whole annual rental reserved by the said aid indenture to and among the first mortgage bondholders of the said London and Port Stanley Railway Company, *pro rata*, according to the respective amounts owned or held by such first mortgage bondholders in lieu of paying the same to the said London and Port Stanley Railway Company, such payments to be applied by the said bondholders in or towards the satisfaction of said, their respective bonds; and—

SECONDLY.—Upon condition that the Great Western Railway Company do, within one year from the time of the passing of this Act, legally confirm on its part, the said indenture so amended aforesaid, and do also, within the said year, duly execute the said covenant in the said first condition mentioned.

### SCHEDULE.

THIS INDENTURE made the first day of September, in the year of our Lord 1872, between the London and Port Stanley Railway Company, of the first part, and the Great Western Railway Company of the second part. Date 1st September, 1872.

Whereas negotiations have been pending between the aforesaid Railway Companies respecting the London and Port Stanley Railway, its plant and appurtenances, and the aforesaid Companies have agreed upon the terms and conditions hereinafter set forth as to the working by the Great Western Railway Company of the said the London and Port Stanley Railway, and as to the purchase by the Great Western Railway Company of the old plant, surplus stores, engines and rolling stock of the London and Port Stanley Railway Company. Negotiations.

Now this Indenture Witnesseth :—

FIRST.—The London and Port Stanley Railway Company hereby give, subject to all the rents, conditions, provisoes and agreements hereinafter mentioned, the use, occupation and possession of their line of railway, between London and Port Stanley, to the Great Western Railway Company, for the period of twenty years from the day of the date of these presents, so that the same shall be worked by the Great Western Railway Company, and all the receipts and earnings shall be collected by the Great Western Railway Company for their own use and benefit. L & P S to be worked by G W for 20 years

SECOND.—The Great Western Railway Company shall, within twelve months, put the said line of railway, of the said the London Line &c., to be put in repair within a year.

Line &c., to be kept in repair.

London and Port Stanley Railway Company, its road, bridges, and rails, and all and every portion of its property, buildings, way, track and appurtenances, in good repair, and also shall, after putting the same in good repair, well and sufficiently at all times during the said term of twenty years, repair, maintain, amend and keep the same, and every part thereof, in good and substantial repair, and all fixtures and things thereto belonging, or which at any time during the said term shall be erected, put or made, when, where, and so often as need shall be.

At end of term Line to be given up in good repair.

THIRD.—The Great Western Railway Company shall, at the expiration, or other sooner determination of the said term of twenty years, peaceably surrender and yield up unto the London and Port Stanley Railway Company, their successors or assigns, the said the London and Port Stanley Railway, its property, appurtenances and effects, together with all buildings, erections and fixtures thereon, in good and substantial repair and condition.

Rent \$20,000 a year.

FOURTH.—The Great Western Railway Company shall pay to the London and Port Stanley Railway Company, their successors or assigns, without any deduction whatever, the clear yearly rent or sum of twenty-thousand dollars a year during the said term of twenty years, by equal payments of five thousand dollars each on the first days of December, March, June and September in each and every year, the first of such payments to be made on the first of December next.

Payable quarterly.

G W R to pay taxes.

FIFTH.—The Great Western Railway Company shall pay all taxes, rates, duties, and assessments whatsoever, whether municipal, parliamentary or otherwise, now charged, or hereafter to be charged, upon the said the London and Port Stanley Railway, or its appurtenances, or upon the said the London and Port Stanley Railway Company on account thereof, or on account of any of its property, including four-twelfths of the taxes for this year, and also eight-twelfths of the taxes for the year, in which this lease terminates.

Rates upon L & P S not to exceed local rates on G W, G T, C S, or any railway to London.

SIXTH.—The rates for freight and traffic and all fares to be charged by the Great Western Railway Company upon the line of the London and Port Stanley Railway, and every part thereof, during the said term of twenty years, shall never exceed those from time to time during the said term, charged as local rates by either the Great Western Railway Company, the Grand Trunk Railway Company, the Canada Southern Railway Company, or by any railway running into London; provided that as to all articles of freight mentioned and set forth in the schedule hereto annexed, marked "A," the Great Western Railway Company shall not, during the said term, charge in respect thereof for freight, storage or otherwise, any higher rate than the respective rates in the said schedule mentioned.

Special rates, Schedule A.

SEVENTH.—The Great Western Railway Company shall forward all trains and traffic with reasonable and proper despatch, and shall run daily, Sundays excepted, at least two passenger trains between Port Stanley and London, stopping at and starting from such points and at such hours as the exigencies of traffic may from time to time during the said term of twenty years require; and at least two passenger trains daily each way shall stop at all stations where the passenger trains of the London and Port Stanley Railway Company now stop.

G W to forward traffic with despatch,

and run two passenger trains each way daily.

EIGHTH.—The Great Western Railway Company shall, upon being requested so to do by the London, Huron and Bruce Railway Company, lay a third rail upon the London and Port Stanley Railway, from London to Port Stanley, with all proper switches, sidings and appliances for the passage of trains, so that such rail shall, with one of the rails of the London and Port Stanley Railway, form a railway of such gauge as the London, Huron and Bruce Railway Company may require and request for the use and at the expense of the London, Huron and Bruce Railway Company, and shall give the London, Huron and Bruce Railway Company all reasonable and usual running powers,—not interfering with the local traffic of the London and Port Stanley Railway—for its traffic over the line of the London and Port Stanley Railway, and every part thereof, during the said twenty years, or until such other sooner determination of the said term.

Third rail on the L H & B.

Running powers L H & B.

NINTH.—In the event of the gauge of the London, Huron and Bruce Railway being four feet eight and one-half inches, the Great Western Railway Company shall give to the London, Huron and Bruce Railway Company, upon being requested by the said London, Huron and Bruce Railway company so to do, all reasonable and usual running powers—not interfering with the local traffic of the London and Port Stanley Railway—for its traffic over the line of the London and Port Stanley Railway, and every part thereof—during the said twenty years, or until the other sooner determination of the said term.

Running powers L. H. & B.

TENTH.—In the event of the London, Huron and Bruce Railway Company requiring a third rail, and running powers, as in the eighth paragraph mentioned, or running powers only, as in the ninth paragraph mentioned, over the line of the London and Port Stanley Railway, the Great Western Railway Company shall enter into a proper agreement with the London, Huron and Bruce Railway Company, under the respective seals of the said Companies, for the carrying the said requirement into effect; and in the event of the said Companies failing to agree upon the terms and conditions of the said running powers, or the cost of the laying of the said third rail, or of the maintenance thereof, such agreement and the terms thereof, and the remuneration to be paid in respect thereof, and of the grant of such

Agreement with the L. H. & B. as to running powers.



Arbitration  
every five  
years as to L.  
H. & B.

such running powers, shall be settled at intervals of five years by arbitration, the arbitrators to be appointed as hereinafter mentioned, and the said respective Companies shall obey and perform the said award, and execute an agreement in accordance therewith, and thereafter duly observe and perform the terms of such agreement.

G. W. to erect  
and maintain  
at London  
workshops of  
L. & P. S.

and

Principal car  
shops of G. W.  
R. and  
branches.

To employ at  
London 200  
workmen more  
than now.

Men employed  
in Ontario car  
works not in-  
cluded in 200.

ELEVENTH—The Great Western Railway Company shall, within twelve months, erect, and thereafter during the said term of twenty years, continue and maintain in the city of London (or within one mile of the limits thereof,) the car and other workshops for the line of the London and Port Stanley Railway, and the principal workshops for building and repairing the cars that are used for the lines of railway which the Great Western Railway Company may, during the said term of twenty years, run or work; and shall employ and keep employed in the said city of London, (or within one mile of the limits thereof,) during the said term, two hundred railway workmen more than they now have employed as railway workmen in the said city of London (or within one mile of the limits thereof): Provided always, that in the event of the said Great Western Railway Company becoming the owners or lessees of the car works of the Ontario Car Company, or employing any workmen therein, the workmen employed therein shall not be reckoned or taken into account in estimating the number of employees which the said Great Western Railway Company hereby covenant to employ.

G.W.to change  
gauge of L. &  
P. S. to 4 feet  
8½ inches.

TWELFTH—The Great Western Railway Company shall, as soon as possible, and within twelve months from the date hereof, at their own expense, alter the gauge of the London and Port Stanley Railway to a uniform gauge of four feet eight and one-half inches.

Location of  
buildings on L.  
& P. S. not to  
be changed  
without con-  
sent.

THIRTEENTH—The Great Western Railway Company shall not, during the said term, make any alteration in the location of the buildings on the London and Port Stanley Railway, without the consent in writing of the London and Port Stanley Railway Company.

Excursion  
trains to Port  
Stanley.

FOURTEENTH—The weekly excursion trains from London to Port Stanley shall be continued during the said term of twenty years by the Great Western Railway Company as they have hitherto been run by the London and Port Stanley Railway Company. The fare from London to Port Stanley and back on such trains shall not exceed thirty cents current funds for each person, and such fare shall include all charges for the use by the passengers by excursion trains of the grounds known as the London and Port Stanley Railway picnic grounds at Port Stanley, as has heretofore been customary.

Rates on oil  
from Enniskil-  
len.

FIFTEENTH—The amount charged for freight on oil from the Township of Enniskillen, or its neighbourhood, to the City of London

London freight depot, by the Great Western Railway Company on its main line, or on any branch or other line under its control or management, shall not exceed the amount, from time to time during the said term, charged for freight on oil by any line of railway from the Township of Enniskillen or its neighbourhood to Saint Thomas or its neighbourhood.

SIXTEENTH—The amount to be charged for freight on refined petroleum or coal oil by the Great Western Railway Company on its main line, or on any branch line or any line under its control, from London freight depot to New York, or any point easterly from London, shall not exceed the amount for like freights charged by any line or lines of railway from St. Thomas or its neighbourhood to the same point from time to time during the said term.

Rates on  
refined oil  
going east.

SEVENTEENTH—The charges for all or any freights from London to New York, Chicago, or any other competing point or points easterly or westerly of London, *via* the main line of the Great Western Railway, or any branch thereof, or any line or lines under its control, and from New York, Chicago, or any such other competing point or points easterly or westerly of London, to London, shall not exceed the amounts charged for similar freights between St. Thomas and the same points by any line or lines of railway.

Rates to or  
from London  
east or west.

EIGHTEENTH—All railways of the same gauge, from time to time, as the London and Port Stanley Railway, at any time running to St. Thomas, shall have the right during the said term to have their freight cars, whether loaded or not, run from London to all and every point on such railways—not being a point or points touched by the Great Western Railway or its branches or connections—and from such point or points to London; but the Great Western Railway shall, with all reasonable despatch, haul such cars from London to St. Thomas, or St. Thomas to London, as the case may be, charging the Company whose cars they haul loaded, a sum bearing the same proportion to the freight earned for the entire trip that the distance between London and St. Thomas bears to the whole distance from the place of shipment to the place of delivery. The charge for haulage, as above, shall include the haulage of the cars, if empty, on the return trip from London, and the haulage of empty cars to London, for the purpose of taking freight therefrom. If empty cars shall be required to be hauled for any purpose other than as aforesaid, the Great Western Railway Company shall be entitled to charge a reasonable sum for such service. But nothing in this clause contained shall entitle such Railways which run to St. Thomas as aforesaid, to have their freight cars run as aforesaid in cases where the said cars are run, or intended to be run, or the contents thereof carried, or intended to be carried, over the London and Port Stanley Railway to or from any point on the said railways running to St. Thomas

All railways  
running to St.  
Thomas, of  
same gauge as  
L. & P. S. rail-  
way, may have  
cars run via L.  
& P. S. between  
London and  
non-competing  
points.

G. W. charg-  
ing pro rata  
for hauling  
over L. & P. S.  
R.

Charge to  
cover return  
trip empty, or  
going empty  
for freight.

Reasonable  
charge for  
hauling other  
empty cars.

This clause not  
intended to  
afford means  
of competition  
with G. W. for  
Canada or U.  
S. traffic.

Thomas, which is served by the Great Western Railway, or its branches, or connections, and which by such use of the London and Port Stanley Railway would be the means of affording competition with the Great Western Railway, either in its Canadian or American traffic.

L & P S may permit City of London to lay pipes &c., for waterworks.

NINETEENTH.—The London and Port Stanley Railway Company reserves the right and power to grant to the Corporation of the City of London, or their appointees, at any and all times during the said term, the right and permission to lay and sink at their own expense in and along the line and bridges of the London and Port Stanley Railway, pipes, machinery and appliances for the conduct of water to the said city from any point or points, and in such way not interfering with the safety of the said railway.

If G W obtain control of Port Stanley harbour the harbour dues not to exceed one-fifth of rates in Schedule A., nor the present rates.

TWENTIETH.—If at any time or times during the said term of twenty years, the Great Western Railway shall obtain the control, care or management of the harbour at Port Stanley, or shall directly or indirectly receive or be entitled to the harbour dues, revenues and receipts thereof, then at and during all such time and times the harbour tolls charged upon all freight which shall be taken or pass over any portion of the London and Port Stanley Railway, shall not exceed one-fifth of the freight rates in the said Schedule "A" mentioned, so far as such tolls shall be chargeable against any class of articles in the said schedule mentioned, and in no case, either as to the said classes of articles, or any other articles of freight, shall any higher or greater tolls be charged than are now charged as harbour tolls at the said port.

L & P S sell to G W rolling stock, &c.

TWENTY-FIRST.—The London and Port Stanley Railway Company sells to the Great Western Railway Company, who buy of them, the engines, rolling stock and appurtenances, plant and surplus stores of the former company, at a price or sum to be agreed upon between the two companies within two weeks from the date of this agreement. In the event of the parties failing to agree as to the price, the value of the said articles is to be settled by the award of arbitrators to be appointed as hereinafter mentioned, and such value shall be the purchase money. The said purchase money shall be paid by the Great Western Railway Company to the London and Port Stanley Railway Company forthwith, after the amount thereof shall have been ascertained by the agreement of the parties or the award of the arbitrators.

Failing agreement arbitration as to prices.

G W to keep road properly supplied with rolling stock.

TWENTY-SECOND.—And the Great Western Railway Company covenant that they will keep the road properly supplied with rolling stock, sufficient for the requirements of the traffic and the efficient working of the London and Port Stanley Railway.

TWENTY-THIRD.—



TWENTY-THIRD.—It is mutually agreed that for the purpose of this agreement the Canada Air-line is to be taken and considered as part of the Great Western Railway.

Canada Air  
Line part of  
G W R.

TWENTY-FOURTH.—And the Great Western Railway Company covenant that they will not assign or transfer this indenture or their rights thereunder, or any of them, or sub-let the said Railway or any part thereof, without the consent in writing of the London and Port Stanley Railway Company first had and obtained.

G W not to assign or sublet without leave.

TWENTY-FIFTH.—Provided always and it is hereby expressly agreed, that if the rent hereby reserved, or any part thereof, shall be unpaid for thirty days after any of the days on which the same ought to have been paid, and after one month's notice requiring such payments has been given to them, or in case of the breach or non-performance of any of the covenants or agreements herein contained on the part of the Great Western Railway Company, then, and in either of such cases, it shall be lawful for the London and Port Stanley Railway Company to enter into and upon the said railway, or any part thereof, in the name of the whole, to re-enter and the same to have, acquire, re-possess and enjoy as of their former estate, anything hereinbefore contained to the contrary notwithstanding.

If rent unpaid for 30 days, and one month's notice given, or in event of breach of covenants by G W then L & P S may re-enter.

TWENTY-SIXTH.—In consideration of the Corporation of the City of London assenting to the provisions of this agreement, the said Corporation shall be entitled, in case of a breach on the part of the Great Western Railway Company, of any of the covenants on their part contained herein, to enforce the forfeiture clause hereinbefore contained, but nothing hereinbefore contained shall affect or prejudice the rights of the said Corporation in respect of the mortgage bonds held by them against the said London and Port Stanley Railway Company, so as to prevent the said Corporation from enforcing the same, or any rights that they may acquire to the said Road by means or in consequence thereof, in the event of default on the part of the Great Western Railway Company in performing the covenants and agreements on their part contained in these presents; or, in the event of the mortgage bonds held by any other person, or the claims of any other person, being without the consent or concurrence of the said Corporation, enforced against the said the London and Port Stanley Railway Company, from establishing their claims as mortgage bondholders, and participating as such in the fruits of any litigation or proceeding on the part of any such other mortgage bondholder or such other persons.

In consideration of London assenting to this agreement the corporation may enforce forfeiture clause.

If G W make default, City of London may enforce its bonds against L & P S.

If other persons seek to enforce bonds without concurrence of London that city may establish its claim and participate in proceeds.

TWENTY-SEVENTH.—And it is hereby agreed, that in case any dispute shall arise relating to any matter herein contained, and agreed to be settled by arbitration, the same shall be finally determined by two independent persons, one to be chosen by each

Arbitration Clause.

each of the said parties to such dispute, and such arbitrators shall, before proceeding with the reference, appoint a third arbitrator to act with them, and, the decision of the said three arbitrators, or a majority of them, shall be conclusive on both parties, and in case either of the said parties shall neglect, or fail to appoint an arbitrator within seven days after the request in writing by the other party, then the arbitrator appointed by the other party may proceed alone, and his award shall be conclusive on all parties. The award shall be made within three months after the appointment of the first of such arbitrators.

Arbitration  
Clause.

TWENTY-EIGHTH.—In case it shall be necessary at any time that an arbitrator or arbitrators should be appointed under the provisions of the Common Law Procedure Act, such appointment shall be made only by one of the judges of one of the superior courts of law, or the Court of Chancery.

Agreement of  
25th April,  
1870, not to  
merge.

TWENTY-NINTH.—Notwithstanding this agreement, the agreement between the parties hereto executed and entered into on the twenty-fifth day of April, 1870, shall not merge, but shall, on the termination of this agreement, be and remain as if these presents had not been executed.

In witness whereof, the said London and the Port Stanley Railway Company and the Great Western Railway Company have hereunto placed their corporate seals, the day and year first above written.

Signed by the President of the  
London and Port Stanley Rail-  
way Company, and this Indenture  
executed by the said Company in  
the presence of

E. J. PARKE.

(Signed,) JAMES EGAN,  
*President.*

{ Seal of London  
and Port Stanley  
Railway Company. }

Signed by the President of the  
Great Western Railway and  
countersigned by the Secretary.  
BRACKSTONE BAKER,

*Secretary.*

(Signed,) THOMAS DAKIN,  
*President.*

{ Seal A of Great  
Western Rail-  
way Company. }

SCHEDULE "A."

LONDON AND PORT STANLEY RAILWAY.

*Proposed special rates, exclusive of Wharfage or Harbour Dues, which are not to be exceeded.*

CLASSIFICATION.	London to St. Thomas & vice versa.		St. Thomas to Port Stanley & vice versa.		London to Port Stanley & vice versa.	
	\$	c.	\$	c.	\$	c.
1.—Lumber—Pine, Green, per M.....	0	80	0	80	0	90
2.—“ “ Dry, per M.....	0	70	0	70	0	80
3.—Square Timber—Pine, per M.....	0	80	0	80	0	90
4.—Lumber and Square Timber—Hard Woods—one-third more, respectively, than rates 1, 2 and 3.....						
5.—Block Stone per ton, including receiving and loading.	0	85	0	85	1	05
6.—Stone (other than Block stone), per ton.....	0	55	0	55	0	75
7.—Brick per M.....	1	00	1	00	1	25
8.—Iron per 2000 lbs., including receiving and loading...	0	70	0	70	0	80
9.—Pig Iron per 2240 lbs., including receiving and loading.....	0	60	0	60	0	70
10.—Coal per ton, including receiving, loading and storage.....	0	70	0	70	0	80
11.—Salt per Bbl.....	0	09	0	09	0	09
12.—Fish per Bbl.....	0	09	0	09	0	11
13.—“ per ½ Bbl.....	0	05	0	05	0	06
14.—Grain per 60 lbs., including freight, elevation, putting in vessel, and seven days storage.....	0	02	0	02	0	02
Storage for 10 days, or any portion of ten days after first seven.....	0	0½	0	0½	0	0½
If over 17 days, and not more than 7 days, extra.....	0	0½	0	0½	0	0½
If over 37 days, one ½ cent extra for every month or fraction of a month.....						
The Storage charges on Grain never to exceed the rates charged in Montreal.....						
Crude or Refined Oil per car load.....	6	00	6	00	8	00

CAP. LII.

An Act respecting the Midland Railway Company of Canada.

[Assented to 24th March, 1874.]

WHEREAS the Midland Railway of Canada have by their petition prayed for certain amendments to their Act of Incorporation, and that certain additional powers may be granted them, and it is expedient to grant the prayer of the said petition: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Midland Railway of Canada may guarantee the interest on the bonds issued by the Omeme<sup>e</sup>, Bobcaygeon and North Peterborough Midland R. Co. may guarantee Omeme<sup>e</sup>, B. & N. P. bonds.



Peterborough Junction Railway Company, otherwise "The Midland Extension Railway Company," such issue not exceeding nine thousand dollars per mile of the railway actually under construction; Provided that no such guarantee shall be given unless authorized by the resolution of two-thirds of the shareholders present in person or by proxy, at a meeting specially called for the purpose, in conformity with the provisions of the Railway Act.

Annual meetings.

**2.** The annual meeting of the shareholders of the Midland Railway of Canada, for the election of directors, shall hereafter be held on the third Tuesday of February, in each year; and the present directors shall retain office until the third Tuesday in February of the year one thousand eight hundred and seventy-five.

Vote of shares.

**3.** Every shareholder of one or more shares of the capital stock of the company, shall at any general meeting of the shareholders be entitled to one vote for every share held by him.

Issue of new scrip.

**4.** The said the Midland Railway of Canada may require the shareholders of the company, to surrender the scrip or certificates for stock now held by them, and issued in the former name of the company; and every shareholder shall on such surrender receive new scrip or certificates for stock in the name of the company to an equal amount, in lieu of the scrip so surrendered by him to the company.

Differences between Company and the township of Ops, and the town of Lindsay.

**5.** Whereas differences have arisen between the company and the Township of Ops, and the Town of Lindsay, as to their respective legal rights and position; And whereas it is expedient to authorize the said corporations, if they shall agree together to settle and compromise the said differences: It shall be lawful for the said township and town or either of them to surrender and transfer to the said company any stock of the company, on any terms which may be agreed on between the said corporations respectively and the said company; Provided always that nothing in this section contained, shall in any wise affect the legal rights of any of the said corporations, in case no agreement is made between them.

Liens on Railway property.

**6.** It shall be lawful for the said railway and any corporations having liens on the property of the said railway, to agree for the surrender of such liens on such terms as they may deem proper.

Second mortgage bonds may be used to carry agreements made only under sections 5 & 6.

**7.** It shall be lawful for the said company to appropriate, and use so much of its second mortgage bonds as may be necessary, in order to carry out any agreement come to under the fifth and sixth sections of this Act.

## CAP. LIII.

An Act to amend the several Acts relating to the Norfolk Railway Company, and to change the Corporate name thereof to the Brantford, Norfolk and Port Burwell Railway Company.

[Assented to 24th March, 1874.]

WHEREAS the Norfolk Railway Company has by its petition represented that it has become, and now is organized, and has a large amount of its stock subscribed, and has surveyed and located a line of railway from the Town of Brantford, to Port Burwell, in the County of Elgin, and has obtained large bonuses from the municipalities through and adjacent to which the said line of railway runs, and that it would facilitate the operations of the said company to amend the several Acts relating to the same; and that its name should be changed to the "Brantford, Norfolk and Port Burwell Railway Company," and in order to give greater confidence and value to the debentures to be issued in pursuance thereof, that the by-laws granting the said bonuses should be legalized by an Act of the Legislature, and has prayed that an Act may be passed accordingly, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. From and after the passing of this Act, the "Norfolk Railway Company" shall be known by, and the same shall be "The Brantford, Norfolk and Port Burwell Railway Company," and all the property, assets, plans, surveys, and every other matter and thing whatsoever, of, or relating to the "Norfolk Railway Company," shall be the property of, and belong to the "Brantford, Norfolk and Port Burwell Railway Company," subject to all rights and liabilities now affecting the same, and the several acts relating to the Norfolk Railway Company, shall in all respects apply to the "Brantford, Norfolk and Port Burwell Railway Company," as if expressly enacted therefor, and the several by-laws of the corporations of the Town of Brantford, of the Township of Burford, of the Township of North Norwich, of the Town of Tilsonburg, of the Village of Vienna, of the Township of Houghton, and of the Township of Bayham, respectively, granting bonuses to the "Norfolk Railway Company," shall be taken to have been for, and as granting bonuses to the "Brantford, Norfolk and Port Burwell Railway Company," which said latter company shall stand in the same position in all respects in relation to the said municipal corporations, and the bonuses by them granted, as though the name of

Name of company.

Property of Norfolk Railway Company transferred to Brantford, Norfolk and Port Burwell Railway Coy.

of the "Brantford, Norfolk and Port Burwell Railway Company" had been used in the said by-laws and proceedings, instead of the "Norfolk Railway Company."

Debentures to  
be delivered to  
trustees.

2. When any municipality grants a bonus in aid of the said company, the debentures shall within six weeks thereafter, or within such time thereafter as the said company shall in writing served upon the head of such municipality, name and appoint, be delivered to three trustees to be appointed, one by the Lieutenant-Governor in Council, one by the said company, and one by the heads of the municipalities which have granted bonuses: Provided, that if the Lieutenant-Governor in council shall neglect or refuse to appoint such trustee within two weeks after he shall have been notified so to do, the said company shall be at liberty to appoint one in the place of the one to be appointed by the Lieutenant-Governor in Council: Provided also, that the said heads of the said municipalities shall appoint the trustee to be appointed by them by the vote of the majority of them who shall attend the meeting to be held for that purpose, at such time and place as the said company shall name, notice in writing whereof shall be sent by post to each of them at least ten days before the day named for the meeting, and if they then fail or neglect to appoint such trustee, the said company shall be at liberty to name and appoint the trustee to have been named or appointed by them; but any trustee appointed may be removed or may resign, and a new trustee appointed in his place; by the parties, and in manner aforesaid.

Trusts on  
which debentures  
are to be  
held.

3. The trustees mentioned in the next preceding section shall receive the said debentures in trust: firstly, to convert the same into money; secondly, to deposit the money in some one of the chartered banks of Canada having an office in the Town of Brantford, under an account styled "The Brantford, Norfolk and Port Burwell Railway Municipal Trust Account;" thirdly, to pay out the money to the said company from time to time on the certificate of the chief engineer of the said company, to be in the form or to the like effect of schedule "A" to this Act, to be expended on the said railway as provided in the said by-laws.

Two preceding  
sections to ap-  
ply to municipa-  
lities aiding.

4. The two next preceding sections shall apply to the municipalities and the bonuses granted by them which are mentioned in the first section of this Act; but any conditions contained in any of said by-laws for the delivery of said debentures, or payment of said bonuses shall remain in full effect, and any municipality which has or may grant a bonus, may by by-law make any payment to the company in advance thereon, not to exceed five per centum, until all the conditions of the by-law for aid are fulfilled.



5. General annual meetings of the shareholders of the said company for the election of directors and for other purposes, shall be held at the town of Brantford on such days and at such hours as may be appointed by by-laws or resolution of the said company, or of the board of directors duly passed in that behalf; and public notice thereof shall be given, at least thirty days previously, in the *Ontario Gazette*, and in one or more newspapers published in the county or counties through which, or a portion of which, the said railway may pass.

Annual meet-  
ings.

6. Special general meetings of the shareholders of the said company may be held at such places, and at such times, and for such purposes as may be provided, designated, and appointed by any by-laws or resolutions duly passed by the directors in that behalf, notices whereof shall be given, as provided in the next preceding section.

Special meet-  
ings.

7. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special or general meeting to be called, from time to time, for such purpose, but limited to the terms of said Act, incorporating the Norfolk Railway Company, and the Acts reviving and amending the same, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary or treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company, real and personal, and then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata* with all the other holders thereof upon the undertaking and the property of the said company as aforesaid: Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of twelve thousand dollars per mile: Provided also, that in the event at any time, of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges, and qualifications for directors, and for voting as are attached to shareholders: Provided, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

Issue of bonds.

Issue not to  
exceed \$12,000  
per mile.

8. Where stone, gravel or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required; and they

Powers of the  
company as to  
stone, gravel,  
etc.

they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway ; and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway ; and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid ; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken or for the right to take material for any time they shall think necessary ; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Siding and  
tracks to lands  
to take gravel  
etc.

9. When said gravel, stone or other materials shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be ; and all the provisions of the Railway Act and of the Acts amending the same, and of the Special Acts relating to said company's Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated ; and such right may be so acquired for a term of years or permanently as the company may think proper ; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Municipal and  
recited Acts to  
apply to bon-  
uses and by-  
laws.

10. The provisions of the Acts incorporating and relating to the Norfolk Railway Company, as to the bonuses granted by any municipality, and the by-laws granting the same, shall apply to any bonus so granted, or to be granted by by-laws passed or to be passed by or for a portion of a municipality.

Exchange of  
debentures of  
counties and  
townships.

11. Any county in which is or are situated a township or townships, that have granted, or hereafter may grant, a bonus or bonuses in aid of the said company, shall be at liberty to take the debentures issued by said township or townships, and in exchange therefor, to hand over to the trustees mentioned in this Act, the debentures of the county, on a resolution being passed to that effect by a majority of the county council, and being fully indemnified by the township against any rate or liability therefor.

Company may  
agree with  
other com-

12. It shall be lawful for the said company to enter into any agreement with any other railway company for leasing  
the

the said railway or any part thereof, or the use thereof, at any time or times or for any period to such other railway company, or for leasing or hiring from any other company any railway or part thereof, or the use thereof; or for the leasing or hiring any locomotives, tenders, or moveable property, and generally to make any agreement or agreements, with any such other company touching the use by one or the other, or by both companies of the railway or moveable property of either or both or any part thereof, and any such lease or agreement shall be valid and binding, and may be enforced by law according to the terms and tenor thereof, and such other company accepting and executing such lease or agreement shall be and hereby is empowered to exercise all the rights and privileges conferred on the said railway company, by any Act relating thereto, provided that no such agreement shall be valid unless the same shall have been sanctioned by two-thirds majority of the shareholders of the company present, in person or by proxy, at a meeting specially convened for that purpose.

**13.** And whereas certain municipalities, by by-laws duly approved of by the ratepayers, and duly passed by the several municipalities following, for the several respective sums set opposite the same respectively, namely :—

The Town of Brantford	-	-	-	-	\$70,000
The Township of Burford	-	-	-	-	30,000
The Township of North Norwich	-	-	-	-	\$30,000
The Town of Tilsonburgh	-	-	-	-	8,000
The Village of Vienna	-	-	-	-	4,000
The Township of Houghton	-	-	-	-	10,000
The Township of Bayham	-	-	-	-	30,000

have granted respectively the several sums aforesaid in aid of the construction of the said railway situate between the town of Brantford and Port Burwell on the terms in the respective by-laws set forth, and it would give greater credit, currency and value to the debentures to be issued under and in pursuance of the said by-laws, and thereby advance the object all parties interested have in view, to have the same by-laws and the debentures to be issued in pursuance thereof, confirmed by any Act of the Legislature: It is therefore enacted that the said several by-laws and every of them shall be taken and held to be good and valid by-laws, and the same are hereby confirmed and the debentures to be issued in pursuance thereof, and every of them shall be taken and held to be good and valid debentures, and the same debentures shall be issued to and in the name of the "Brantford, Norfolk, and Port Burwell Railway Company," and it shall be competent and lawful for the said company by and with the consent of any of the said municipalities, expressed by a by-law or by-laws in that behalf from time to time to vary the alignment of the said line of railway in such municipality, and such consent or variations shall in no wise invalidate

panies as to  
leasing.

Certain by-  
laws and de-  
bentures de-  
clared valid.

date



date or vary the by-law or by-laws granting any bonus or the bonds or debentures to be issued in pursuance thereof.

Power to hold  
wharves, etc.,

**14.** It shall and may be lawful for the said company to purchase and hold property not exceeding ten acres at each extremity of the said railway, for the purpose of building and to build thereon elevators, wharves, storehouses, warehouses, engine houses, sheds and other erections for the use of the said railway company, and the same or a portion thereof, in their discretion, subsequently to sell and convey; the said company, for the purpose only of facilitating its traffic shall further have power to purchase, build, complete, fit out and charter, sell or dispose of, work and control, and keep in repair, one steam vessel or more, from time to time to ply on the inland rivers and lakes adjacent to the said railway, in connection with the said railway.

Telegraph  
lines.

**15.** For the purpose of constructing, working and protecting the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies are hereby conferred upon the said company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines to be constructed by the said company.

Commence-  
ment and com-  
pletion of rail-  
way.

**16.** Notwithstanding the lapse of any time limited by the said Acts for commencing or completing the said railway, the said Acts shall continue in full force; and any by-laws granting aid shall also continue in force and the times for commencing and completing the construction of the said railway are hereby respectively extended for periods of two years and five years from the passing of this Act.

Inconsisten-  
claims of 32  
V., c. 58, 35  
V., c. 52, and  
36 V., c. 93 re-  
pealed.

**17.** All sections and parts of sections of the Acts of the Ontario Legislature, passed in the thirty-second year of the reign of Her Majesty Queen Victoria, and chaptered fifty-eight; the Act passed in the thirty-fifth year of Her said Majesty, and chaptered fifty-two; and the Act passed in the thirty-sixth year of the reign of Her said Majesty, and chaptered ninety-three, inconsistent with this Act, are hereby repealed.

## SCHEDULE A.

(Section 3.)

## CHIEF ENGINEER'S CERTIFICATE.

The Brantford, Norfolk and Port Burwell Ry. Coy's Office.  
Engineer's Department.

*Certificates to be attached to cheques drawn on the Brantford, Norfolk and Port Burwell Railway Municipal Trust Account in Trustees hands, and given under sections of cap. 53, 37 Vic.*

I, Chief Engineer for The Brantford Norfolk and Port Burwell Railway, do hereby certify that there has been expended in the construction of mile No. (the said mileage being numbered consecutively from the point of commencement thereof, to the terminus) the sum of                    dollars to date, and that the total *pro rata* amount due for the same from the Municipal Trust Account, amounts to the sum of                    dollars, which said sum of                    dollars is now due and payable, as provided under the said Act.

*Chief Engineer.*

## CAP. LIV.

An Act to incorporate the North Simcoe Railway Company.

[Assented to 24th March, 1874.]

**W**HEREAS the construction of a Railway from the Town of Barrie, in the County of Simcoe, or from some other point on the line of the Northern Railway of Canada, passing through the Townships of Vespra, Flos, Tiny and Tay, to the Village of Penetanguishene or to some other point on the shore of the Penetanguishene Bay, and with power to build a line of railway from either of said points to the Village of Midland; or to some other point on the shore of Gloucester Bay, now called Midland Bay, situate in the said Township of Tay, has become desirable in the development of the said county, and for the public convenience, and accommodation of the inhabitants thereof: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Incorporation.** **1.** Alexander Manning, A. A. Thompson, H. H. Thompson, George Copeland, William Moore Kelly, H. E. Jeffery, James Saurin McMurray, Thomas Richard Fuller, and Charles Beck, together with such persons and corporations as shall in pursuance of this Act become shareholders of the said Company, hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "The North Simcoe Railway Company."

**Corporate name.**

**Certain clauses of Railway Act to apply.**

**2.** The several clauses of the Railway Act, of the consolidated statutes of Canada, and the amendments thereto, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and deemed to be a part of this Act, and shall apply to the said Company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

**Location of line.**

**3.** The said Company shall have full power under this Act to construct a railway from or near the Town of Barrie, in the County of Simcoe, or from some other point on the line of the Northern Railway of Canada, passing through the Townships of Vespra, Flos, Tiny and Tay, to the Village of Penetanguishene, or to some other point on the shore of the Penetanguishene Bay, and also with power to build a line of railway from some point on the main line to the Village of Midland, or to some other point on the shore of Gloucester Bay, now called Midland Bay, situate in the said Township of Tay.

**Company may construct docks, &c., on waters near line.**

**4.** The said Company may construct depots, docks, stations, wharves, warehouses, elevators, and other buildings and works, at or near any one or more of the several points on the line or lines of railway hereby authorized, where such line or lines touch the shores of Lake Simcoe, Penetanguishene Bay, or Gloucester Bay, the inland navigable rivers upon or near such line or lines, and for such purpose may extend their railway, or construct branches thereof, into and upon the waters of the said bays, inlets, and navigable rivers, or any one or more of them.

**Gauge.**

**5.** The said Railway may be constructed of any gauge.

**Form of conveyance to the Company.**

**6.** Conveyances of land to the said Company for the purposes of, and the powers given by this Act, made in the form set out



out in the schedule A hereto annexed, or the like effect, shall be sufficient conveyance to the said Company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof. Registration.

7. From and after the passing of this Act, the said Alexander Manning, A. A. Thompson, H. H. Thompson, George Copeland, William Moore Kelly, H. E. Jeffery, James Saurin McMurray, Thomas Richard Fuller, and Charles Beck, shall be Provisional Directors of the said Company. Provisional directors.

8. The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, five of whom shall be a quorum, with power to fill vacancies thereon; to associate with themselves thereon not more than three other persons, who upon being so named, shall become and be provisional directors of the company, equally with themselves; to open stock books; to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto, for the election of other directors as hereinafter provided, and with all such other powers as under the Railway Act or any other law in force in Ontario are vested in such boards; and the said directors, or a majority of them, may, in their discretion, exclude any persons from subscribing who in their judgment would hinder, delay, or prevent the said company from proceeding with and completing their undertaking, under the provisions of this Act. Powers of provisional directors.

9. The capital of the company hereby incorporated shall be fifty thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into five hundred shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township or village on the line or lines of works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, Capital stock.

quire, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Ten per cent  
of stock to be  
paid up.

**10.** On the subscription for shares of the said capital stock each subscriber shall within ten days thereafter pay ten per centum of the amount subscribed by him into some of the chartered banks, to be designated by the directors to the credit of the said company.

Calls.

**11.** Thereafter, calls may be made by the directors for the time being as they shall see fit; provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at intervals of not less than thirty days.

Directors may  
issue stock as  
paid up stock  
to make cer-  
tain payments

**12.** The directors, elected by the shareholders, may make or issue stock as paid up stock, and may pay or agree to pay in such or any paid up stock, or in the bonds of the said company, such sums as they deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock; and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, wharves, plant or rolling stock, whether such promoters or other persons be provisional directors or not.

Meeting for  
election of  
directors.

**13.** So soon as shares to the amount of twenty-five thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some of the chartered banks to be designated by the directors, which shall on no account be withdrawn therefrom, unless for the service of the company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors to the said company.

Directors may  
accept full  
payment for  
stock before  
final call.

**14.** It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such per centage or discount thereon as they deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

Provision in  
case provi-  
sional direc-  
tors neglect to  
call meeting.

**15.** In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than one thousand dollars

dollars of the said capital stock, and who have paid up all calls thereon.

**16.** In either case notice of the time and place of holding such general meeting shall be given in the *Ontario Gazette*, and in one local newspaper once in each week for the space of at least four weeks, and such meeting shall be held at the City of Toronto, or the Town of Barrie, at such place and on such day as may be named by such notice; at such general meeting the subscribers for the capital stock assembled, who shall have so paid ten per centum thereof, with such proxies as may be present, shall choose seven persons to be the directors of the said company, and may also make and pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Notice of meeting.

Election of directors.

**17.** Thereafter the general annual meeting of the shareholders of the said Company shall be held in such place in the City of Toronto, or Town of Barrie, and on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and in one local newspaper once in each week.

Annual meetings.

**18.** Special general meetings of the shareholders of the said Company may be held at such places in the City of Toronto, or Town of Barrie, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said Company.

Special meetings.

**19.** Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote, for every share held by him, provided that no shareholder shall be entitled to more than fifty votes at any meeting, notwithstanding the amount of shares held by him, and no shareholder shall be entitled to vote in any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Scale of votes

**20.** No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder, holding at least ten shares in the Company, and unless he has paid up all calls due thereon.

Qualification of directors.

**21.** Any meeting of the directors of the said Company regularly summoned at which not less than four directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Quorum of directors.

**22.** The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, Aid to company from Government, &c.

who



who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift, or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from municipalities.

**23.** Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto, instead of sections four hundred and seventy-two, four hundred and seventy-three and four hundred and seventy-four of the Municipal Institutions Act: Provided always, that no such aid shall be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality, (as the case may be,) as provided in Municipal Act for the creation of debts.

Manner of submitting by-laws to ratepayers.

**24.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders being duly qualified voters as aforesaid;

4. In the case of two or more minor municipalities or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities, or sections proposed to be grouped, being duly qualified voters as aforesaid.

Aid from portions of county municipalities.

**25.** Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of  
two

two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous; but no minor municipality or section thereof which is subject to a county or other by-law in aid of the same railway shall be thus grouped without the consent of the majority of the duly qualified voters therein, expressed to that end, when voting upon the proposed by-law.

**26.** In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein: and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works, for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended, shall thereupon at the option of the railway company be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company, or the county as the arbitrators may order.

Proceeding on  
opposing sub-  
mission of by-  
law.

Arbitration.

Costs.

**27.** In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality, and the voting thereon shall be limited to the duly qualified voters in such portions only.

Rate to be  
levied only on  
the part of  
municipality  
granting  
bonus.

**28.** Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Railway to  
make deposit  
for expenses.

**29.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality

Interpretation  
of the words  
"minor muni-  
cipality."

By-laws to be valid, though the annual rate exceed two cents in the dollar.

**30.** No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or section affected thereby; but for the purpose of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act.

Provisions of by-law.

**31** Such by-law shall in each instance provide:

1. For raising the amount petitioned for in the municipality or portions of the county municipality, (as the case may be,) mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law;

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures, within twenty years, with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest; which debentures the respective municipal councils, warden, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively: Provided, that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in any such case apply the moneys received therefor in payment of the said debentures and interest.

If by-law defeated limit of time for submitting similar by-law.

**32.** In case the by-law submitted is not approved of, no other by-law which is in substance the same shall be submitted to the voters of the same municipality or portion of the county municipality, until after the expiration of six months from such rejection.

If by-law carried, council to pass the same,

**33.** In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same, shall read the said by-law a third time and pass the same.

and issue the debentures.

**34.** Within one month after the passing of such by-law, the said council, and the warden, reeve, or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.



**35.** The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township, a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

Corporation may exchange their debentures for those of the townships.

**36.** Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor, shall within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided that if the said Council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the said company; and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

Trustees for municipal debentures.

**37.** The said trustees shall receive the said debentures or bonds in trust: firstly, under the direction of the company, to convert the same into money; secondly to deposit the amount realized from the sale in some of the chartered banks, having an office in this Province, in the name of "The North Simcoe Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule B hereto, or to the like effect setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for, is in pursuance of the terms and conditions of the by-law, and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

Trusts on which debentures are to be held.

**38.** The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees to be as valid and binding as if the three had agreed.

Trustees' fees, act of two govern.

Municipal  
directors.

**39.** Any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality; and such director shall be in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

Company may  
receive gifts of  
lands.

**40.** Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Municipalities  
may exempt  
company from  
taxation.

**41.** It shall further be lawful for the council of any municipality in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment of taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Council may  
extend time.

**42.** It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works on the completion of which the said company would be entitled to such bonuses.

Council may  
contribute  
towards preli-  
minary ex-  
penses.

**43.** It shall be lawful for the council of any township or county municipality interested in the said extension branches, or any of them, and without complying with the requirements of any Act providing for creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all, or part of the costs, charges and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses, provided always, that no one such bonus shall exceed five thousand dollars.

**44.** Whenever any municipality or a portion of a municipality shall aid, loan, guarantee, or give money or bonds by way of bonus to aid the making, equipment, and completion of said extension and branches, or any part or parts thereof, it shall be lawful for said company to enter into a valid agreement with such municipality, binding the said company to expend the whole of such aid so given upon works of construction within the limits of the municipality, granting the same.

Municipalities may agree as to application of bonus.

**45.** It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law, or by-laws, empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such be either in the possession or under the control of any joint stock company, then with the assent of such company; and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality corporation or person, for the construction, or for the maintenance and repair of gravel or other public roads leading to the said railway.

Laying rails on roads.

**46.** The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding fifteen thousand dollars per mile of railway, to be signed by the President or vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be first and preferential claims and charges upon the said undertaking, and the property of the Company real and personal then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking, and the property of the Company as aforesaid: And provided also further that in the event at any time of the interest upon the said bonds remaining unpaid, and owing then at the next ensuing general annual meeting of the said Company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached to shareholders; Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares: And it shall be the duty of the Secretary of the Company to register the same on being required to do so by any holder thereof.

Issue of bonds of company.

Rights of bondholders when interest in arrear.



Negotiable  
instruments.

47. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the President or vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a quorum of the directors, shall be binding on the said Company and every such promissory note or bill of exchange so made shall be presumed to be have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President or vice-President, or Secretary and Treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said Company to issue any note or bill of exchange, payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Acquiring  
gravel, &c.

48. When stone, gravel, or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation, shall have the same effect as in the case of arbitration for the roadway, and all the provisions of the Railway Act as varied and modified by the special acts relating to the said company, as to the service of the said notice, arbitration, compensation, deeds, payment of money in court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section and to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land in which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Lying tracks  
to gravel pits.

49. When said gravel, stone, or other materials shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material may be found, whatever the distance may be, and all the provisions of the Railway Act and of the Special Acts relating to said company's Act, except such as relates to filing plans and publication of notice,

notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be acquired for a term of years or permanently, as the company think proper; and the power in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

**50.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining, and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same as part thereof from time to time as they may deem expedient.

Power to acquire lands.

**51.** The said company shall have power to lease its railway to, or to make running arrangements with, the Northern Railway of Canada, the Midland Railway of Canada, and the Hamilton and North-western Railway Company, or with any other railway company, or any or either of them, upon terms to be approved of by two-thirds of the shareholders at a special general meeting to be held for that purpose in accordance with the Railway Act.

Company may make running arrangements with certain other Railways.

**52.** It shall be lawful for the said company to enter into one or more agreements with the Northern Railway of Canada, the Midland Railway of Canada, and the Hamilton and North Western Railway Company, or with any other railway company, or with any or either of them, for leasing their said railway, or any part thereof, or the use thereof at any time or times, or for the leasing or hiring any locomotives, tenders, plant, rolling stock, or other property, or either or of both, or any part thereof, or for the conveyance or transit of traffic for or with the said company, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting in person or by proxy, at a special general meeting to be called in accordance with this Act for that purpose; and every such agreement shall be valid and binding, and shall be enforced by courts of law and equity, according to the terms and tenor thereof, and any company or individual accepting and executing such lease, shall be and is hereby empowered to exercise all the rights and privileges in this charter conferred: Provided the said leases, agreements and arrangements have been first respectively sanctioned at special general meetings of the shareholders, called for the purpose of considering the same, respectively under the provisions

Company may enter into agreements with other Railways.

provisions of the Railway Act, and then by a vote to that end of two-thirds of the shareholders present either in person or by proxy.

Power to  
purchase  
wharves, &c.

**53.** It shall and may be lawful for the said company to purchase and hold as their own absolute property, wharves, piers, harbours and lands, not exceeding ten acres at each extremity of the said railway, for the purpose of building, and to build thereon elevators, wharves, storehouses, warehouses, engine houses, sheds, and other erections for the use of the said railway company, and the same or a portion thereof, in their discretion, subsequently to sell, lease or convey; and also to purchase, build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair steam or other vessels, from time to time, to ply on lakes, rivers and canals of this Province in connection with the said railway and vessels, and also to make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise to ply on the said lakes, rivers and canals.

Telegraph  
lines.

**54.** For the purpose of constructing, working and protecting the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies are hereby conferred upon the said company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the said company.

Leasing the  
railway.

**55.** The North Simcoe Railway Company shall have power to guarantee for the loan of its credit to, or become guarantors for, and may subscribe to or become owners of the stock of any company, now or hereafter to be formed, for the purpose of owning, constructing, manufacturing, leasing, hiring or otherwise becoming possessed of, and working and using railway cars, rolling stock, engines and other plant used in the transportation of railway traffic with which the North Simcoe railway company have made or may hereafter make an agreement for the use of such railway cars, rolling stock, engines or other plant; and the said railway company shall have all the powers in respect of such stock as an individual would have, and shall exercise the same through such officer, and in such manner as the board of directors shall by resolution appoint.

Arrangements  
with other  
companies.

**56.** The said company shall have power to guarantee for the loan of its credit to, or become guarantors for, or may subscribe to, or become the owners of stock in any railway company, with the line of which their line may be in connection, or any railway company over the line of which they may now have or hereafter may make arrangements for running powers or the conveyance of traffic: Provided that the power given under this clause shall not be exercised unless sanctioned by a vote to that



that end of two-thirds of the shareholders, voting in person or by proxy at a general meeting of the shareholders specially called for that purpose, or at the annual general meeting.

### SCHEDULE A.

(Section 6.)

KNOW ALL MEN BY THESE PRESENTS, that I (or we) (*insert name or names of the vendor or vendors*) in consideration of

dollars paid to me (or us) by the North Simcoe Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*) in consideration of

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels, as the case may be*) of land, situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said North Simcoe Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required,*) and I (or we) the wife (or wives) of the said

do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this            day of            .            one thousand eight hundred and

Signed, sealed and delivered, }  
in the presence of            }

[L.S.]

### SCHEDULE B.

(Section 37.)

#### CHIEF ENGINEER'S CERTIFICATE.

The North Simcoe Railway Company's Offices, }  
Engineer's Department, A.D. 18            }

No.

*Certificate to be attached to cheques drawn on the North Simcoe Railway Municipal Trust Account.*

I,            , Chief Engineer for the North Simcoe Railway Company, do hereby certify that the sum of \$            is required to be expended in the construction of the portion of the line extending from mile No.            to mile No.            , and that payment should be made to the company of such amount from the Municipal Trust Account, the same being in pursuance of the terms and conditions of the By-law of the Municipality of the            of           

CAP.

## CAP. LV.

## An Act respecting the Omemee, Bobcaygeon and North Peterborough Junction Railway Company.

[Assented to 24th March, 1874.]

## Preamble.

WHEREAS the Omemee, Bobcaygeon, and North Peterborough Junction Railway Company, have by their petition, represented that it is desirable that certain amendments should be made to the Act incorporating the said company; and it is expedient that the prayer of the said petition should be granted:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## Power to construct branch line to Bobcaygeon.

1. The said company shall, in addition to the powers of construction, granted in their Act of incorporation, have full power and authority to lay out, construct and complete a double or single iron railway from any point on the line of the Midland Railway of Canada, between the village of Millbrook and the Town of Peterborough, to the Village of Bobcaygeon.

## Change of name of Company.

2. The name of the said company shall be changed to "The Midland Extension Railway Company."

## CAP. LVI.

## An Act to incorporate the Ontario Central Railway Company.

[Assented to 24th March, 1874.]

## Preamble.

WHEREAS the Hon. John Simpson, Chester Draper, F. W. Glen, John Hamer Greenwood, Henry Hopkins, Truman P. White, William Blair, Frederick Green, A. E. Munson, Kirkman F. Lockhart, Thomas Dow, John Ham Perry, John S. M. Wilcox, J. E. Farewell, J. H. Long, Nicholas W. Brown, Joseph Begilow, John Dryden, Edward Major, S. J. Green, S. K. Brown, Charles King, Ira B. Carpenter, and T. G. McMillan have petitioned the Legislature of this Province for an Act of Incorporation to construct a railway from some point in the Town of Whitby, within the limits of the Port Whitby Harbour, through the Counties of Ontario, York and Simcoe, or some of them, to some point on Georgian Bay, in the vicinity of Collingwood, or between Collingwood and the mouth of the Nottawasaga

Nottawasaga River or adjacent thereto on said bay, with power to extend the said railway or to build a branch from some point on said Railway to Hogg's, Sturgeon or Matchedash Bay, or any other of the small bays on The Georgian Bay;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said parties above mentioned, together with such persons and corporations as shall in pursuance of this Act become shareholders in the said company hereby incorporated shall become and are hereby declared to be a body corporate and politic by the name of The Ontario Central Railway Company.

Incorporation.

Corporate name.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and the amendments thereto with respect to the first, second, third, fourth, fifth and sixth clauses thereof and also of the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions" shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except so far as they may be inconsistent with the enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid.

Certain clauses of the Railway Act to apply.

Interpretation of the words "this Act."

3. The company hereby incorporated, and their agents or servants shall have full power and authority under this Act to lay out, construct, and finish an iron railway from some point within the limits of the Port Whitby Harbour in the Town of Whitby, through the Counties of Ontario, York and Simcoe, or some of them, to some point on Georgian Bay, in the vicinity of Collingwood, or between Collingwood and the mouth of the Nottawasaga River, or adjacent thereto on said Bay, with power to extend the same, or to build a branch from some point on said railway to Hogg's, Sturgeon or Matchedash Bay, or any other of the small bays on The Georgian Bay, between Penetanguishene and Matchedash Bay, and with power to form a junction with the proposed North Simcoe Junction Railway, or the Lake Simcoe Junction Railway, or the Huron and Quebec, or the Canada Central, or the Canada Pacific Railway, or any of them, and with power to construct the same in sections.

Location of line.

4. The capital of the company hereby incorporated shall be three hundred thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into

Capital stock.

six



six thousand shares, of fifty dollars each ; and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway, and the purposes of this Act.

Provisional  
directors.

5. The Honourable John Simpson, The Honourable David Reesor, Chester Draper, T. P. White, Joseph Gould, F. W. Glen, George Neilson, J. H. Greenwood, A. E. Munson, K. F. Lockhart, William Blair, Hon. Malcolm Cameron, John Moat, John Ham Perry, John Wilmot and Henry Hopkins shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of  
provisional  
directors.

6. The said board of provisional directors shall have full power to open up stock books, and procure subscriptions for the undertaking; to make calls upon the subscribers; to cause surveys and plans to be executed; to enter into agreements for right of way, terminal grounds, and gravel pits; and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, with all such other powers as under the Railway Act of the Consolidated Statutes of Canada are vested in ordinary directors; and to call a general meeting of the shareholders for the election of directors as hereinafter provided; and such provisional directors may appoint a committee from their number to open such stock books, giving at least three weeks notice in the *Ontario Gazette*, in one paper published in the Town of Whitby, and some one paper published in each county through which the road is proposed to pass, of the time and place of meeting to open such books, and receive such subscriptions; and the said committee or a majority of them, may in their discretion exclude any person from subscribing, who in their judgment would hinder or delay the company in proceeding with their railway.

Meeting for  
election of  
directors.

7. When, and so soon as shares to the amount of fifty thousand dollars in the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into a chartered bank having an office in the Province of Ontario, or when, and so soon as such subscriptions, together with sums granted by municipalities, either by way of bonus, or in the subscription to the capital stock, shall amount to such sum of fifty thousand dollars, and the debentures granted in payment of such bonus, or subscription, shall have been deposited in one of the chartered

chartered banks of the Province, the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three weeks notice in a paper published in the Town of Whitby, and in each of the counties affected, and in the *Ontario Gazette* of the time, place and object of such meeting, and at such general meeting, the shareholders present either in person or by proxy, and who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the said company in manner and qualified as hereinafter directed, which said directors together with ex-officio directors under the Railway Act, or this Act, shall constitute a board of directors, and shall hold office until the first Monday of May, in the year following their election.

8. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act; nor shall the debentures so deposited, be otherwise applied than to the purposes of the railway as defined in the by-law or agreement between the municipality or municipalities granting the same, and the railway company in relation thereto. Application of money paid on stock.

9. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call as provided in section seven. Calls.

10. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the Town of Whitby, and on such days, and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in a newspaper published in the Town of Whitby, and in some one newspaper in each of the counties which have granted bonuses, or subscribed for stock. Annual meetings.

11. Special general meetings of the shareholders of the said company may be held at such places in the Town of Whitby, and at such times, and in such manner and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section. Special meetings.

12. In the election of directors under this Act, no person shall be elected unless he shall be the holder and owner of at least twenty shares of the stock of the said company, upon which all calls have been paid up. Qualification of directors.

13. Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company. Aliens.

company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

**Quorum.**

**14.** At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business; and the said board of directors may employ one of their number as paid director.

**Aid to company from Government, &c.**

**15.** The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift, or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

**Aid from Municipalities.**

**16.** Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situated, may aid the said company by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto, instead of sections four hundred and seventy-two, four hundred and seventy-three and four hundred and seventy-four of the Municipal Institutions Act: Provided always that no such aid shall be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality, (as the case may be,) as provided in the Municipal Act for the creation of debts.

**Mode of submitting by-law to ratepayers.**

**17.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters:

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act:

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid:

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities



municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities or sections proposed to be grouped, being duly qualified voters as aforesaid.

**18.** Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous, but no minor municipality or section thereof which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law.

Aid from portion of county municipalities.

Grouping of minor municipalities.

**19.** In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein; and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the Railway Company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then the railway company or the county, as the arbitrators may order.

Proceedings in opposing submission of by-laws.

Arbitration.

**20.** In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality, and the voting thereon shall be limited to the duly qualified voters in such portions only.

Rate to be levied only on the part of municipality granting bonus.

Company shall make deposit to cover expenses

**21.** Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Interpretation of "minor municipality."

**22.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

By-laws to be valid, though the annual rate exceed two cents in the dollar.

**23.** No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or section affected thereby, but for the purpose of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act.

Provisions of by-laws granting aid.

**24.** Such by-law shall in each instance provide :

1. For raising the amount petitioned for in the municipality or portions of the county municipality, (as the case may be,) mentioned in the petition by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law ;

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest, which debentures the respective municipal councils, warden, reeves, and other officers thereof, are hereby authorized to execute and issue in such cases respectively : Provided, that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company, or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case, apply the moneys received therefor in payment of the said debentures and interest.

If by law rejected similar by law not to be submitted for six months.

**25.** In case the by-law submitted is not approved of, no other by-law which is in substance the same, shall be submitted to the voters of the same municipality, or portions of the county municipality, until after the expiration of six months from such rejection.

If by-law carried, council to pass the same,

**26.** In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same, shall read the said by-law a third time and pass the same.

**27.**

**27.** Within one month after the passing of such by-law, and issue the the said council, and the warden, reeve or other officers thereof debentures shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

**28.** The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township, a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of said debenture.

Corporation may exchange their debentures for those of the township.

**29.** Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor, shall within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided, that if the said Council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of the said company.

Debentures to be delivered to trustees.

**30.** The said trustees shall receive the said debentures or bonds in trust: firstly, under the direction of the company, to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks, having an office in this Province, in the name of "The Ontario Central Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule A hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for, is in pursuance of the terms and conditions of the by-law, and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate

Trusts on which debentures to be held.



cate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

**Fees to trustees ; act of two trustees to be binding.**

**31.** The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees to be as valid and binding as if the three had agreed.

**Municipal directors.**

**32.** Any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality ; and such director shall be in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

**Company may grant lands.**

**33.** Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway ; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

**Municipality may exempt Company from taxation.**

**34.** It shall further be lawful for the council of any municipality in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years ; and any such by-law shall not be repealed unless in conformity with a condition contained therein.

**Council may extend time.**

**35.** It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonuses.

**Councils may contribute towards preliminary expenses.**

**36.** It shall be lawful for the council of any township or county municipality interested in the said Railway and its extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such municipalities, or any of them, to bear all or part of the costs, charges, and expenses

expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses; Provided always that no one such bonus shall exceed five thousand dollars.

**37.** Whenever any municipality or portion of a municipality shall aid, loan, guarantee, or give money or bonds by way of bonus to aid the making, equipment, and completion of said extension and branches, or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same. Municipalities may agree as to application of bonus.

**38.** The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president and vice-president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company real and personal, then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid: Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of twenty thousand dollars per mile; And provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof. Issue of bonds.

**39.** The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with Negotiable Instruments.  
AA proper

proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, or vice-president, or the secretary, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Powers to  
acquire land  
for gravel  
pits, &c.

**40.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or part thereof, from time to time, as they may deem expedient.

Power to take  
gravel pits.

**41.** Where stone, gravel, or any other material is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitrators, the award, and the tender of compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining material as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary: the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Power to lay  
sidings and  
tracks to  
gravel pits.

**42.** When said gravel, stone, or other materials shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whateve



whatever the distance may be; and all the provisions of the Railway Act and of the Special Acts relating to the said Company's Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purposes of repairing or maintaining the said railway.

**43.** The railway shall be commenced within three years, and completed to the waters of the Georgian Bay aforesaid, within five years, and finally completed within seven years after the passing of this Act. Commencement and completion of railway.

**44.** The company incorporated by this Act may enter into any arrangement with any other railway company or companies for the working of the said railway, on such terms and conditions as the directors of the several companies may agree on, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, or for the leasing or hiring any locomotives or other moveable property, from such companies or persons, and generally to make any agreement or agreements with any other company touching the use by one or the other, or by both companies, of the railway or rolling stock, or either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, provided that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company, and the provisions of this Act; and the company or companies leasing or entering into agreement for using the said line may, and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line. Company may agree with other railways as to leasing lines, &c.

**45.** The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can under the powers of this Act, issue for the construction of the railway, or otherwise. Power to mortgage bonds.

**46.** The directors of the company may, subject to the rules and regulations, from time to time, of the board, appoint an agent in the City of London, England, and also an agent in the City of New York, in the State of New York, with power to pay dividends; to open and keep books of transfer for the shares of the company, and for the issue of scrip and stock certificates; and thereupon shares may be transferred from the Power to appoint agents in certain cities.

the Canada office to the London or New York offices, in the names of the transferees, in the same manner as shares may be transferred in the former office, and *vice versa*; and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States, may be respectively entered upon the books at the London, or at the New York office, and scrip certificates be issued for them, and the agent or agents, or other officer or officers, shall transmit an accurate list of all such transfers and scrip certificates so issued, to the secretary or other officer of the company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in this Province, and thereupon the same shall be binding on the company, as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the secretary of the company in this Province.

Transfer of  
shares.

**47.** Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of the shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfer of  
shares in  
England or  
United States

**48.** Whenever any transfer shall be made in England, or the United States, of any share of stock of the company, the delivery of the transfer and stock or scrip certificates to the agent or agents of the company for the time being in London and New York aforesaid, shall be sufficient to constitute the transferee a shareholder or stockholder in the company in respect to the share of stocks so transferred; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register; and the directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock, and the forms in respect thereof, as well in this Province as elsewhere; and as to the closing of the register of transfers for the purpose of dividends, as they may find expedient; and all such regulations not being inconsistent with the provisions of this Act and of the Railway Act, as altered or modified by this Act, shall be valid and binding.

Right of  
aliens.

**49.** Any shareholder in the said company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said company, and to vote in the same, and to be eligible for office in the said company; and directors may at any meeting of the board, vote by proxy, provided at least four directors are personally present at such meetings.

**50.** Conveyances of lands to the said company for the purposes of, and powers given by this Act, made in the form set out in the schedule B hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Form of  
conveyances

**51.** The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to acquire and hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic.

Power to  
acquire lands  
for docks,  
wharves, &c.

**52.** Nothing in this Act shall prevent any municipality from subscribing for stock of the company, pursuant to the Railway Act or Municipal Act.

Municipalities  
may be share-  
holders.

**53.** For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred upon telegraph companies by the Act respecting electric telegraph companies are hereby conferred upon the company, and the other provisions of the said Act, for the working, and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Telegraph  
lines.

**54.** The gauge of the said railway shall be four feet eight and one half inches.

Gauge.

**55.** The said company shall have full power and authority to expend money in the construction of such docks as they may require, into the waters of the Port Whitby harbour, on the conditions set forth in the order in council by which the late Government of Canada sold the said harbour to the Port Whitby Harbour Company.

Power to con-  
struct docks,  
&c., in Whitby  
Harbour.

**56.** In case the conditions upon which any municipality grants aid to the said company be not fully complied with in the time specified, the said municipality through its council, may grant such further time to the company for the fulfilment of its obligations as to the said council may be thought advisable.

Fulfilment of  
obligations to  
municipalities.



## SCHEDULE A.

(Section 30.)

## CHIEF ENGINEER'S CERTIFICATE.

ONTARIO CENTRAL RAILWAY COMPANY'S OFFICE,  
ENGINEER'S DEPARTMENT, A.D. 18

No.

*Certificate to be attached to cheques drawn on the Ontario  
Central Railway Municipal Trust Account.*

I, \_\_\_\_\_, Chief Engineer of the Ontario  
Central Railway Company, do hereby certify that the sum  
of \$ \_\_\_\_\_ is required to be expended in the construction of  
the portion of the line extending from mile No. \_\_\_\_\_ to mile  
No. \_\_\_\_\_, and that payment should be made to the com-  
pany of such amount from the Municipal Trust Account, the  
same being in pursuance of the terms and conditions of the  
By-law of the Municipality of the \_\_\_\_\_ of

## SCHEDULE B.

(Section 50.)

Know all men by these presents, that I (or we) (*insert the  
name or the names of the vendors*) in consideration of  
dollars paid to me (or us) by the Ontario Central Railway  
Company, the receipt whereof is hereby acknowledged, do  
grant and convey, and I (or we) (*insert the names of any other  
party or parties*) in consideration of \_\_\_\_\_ dollars,  
paid to me (or us) by the said company, the receipt whereof is  
hereby acknowledged, do grant and release all that certain par-  
cel (or those certain parcels, as the case may be) of land situate  
(*describe the land*), the same having been selected and laid out by  
the said company for the purposes of this railway, to hold with  
the appurtenances unto the said Ontario Central Railway Com-  
pany, their successors and assigns, (*here insert any other clauses,  
covenants or conditions required,*) and I (or we), the wife (or  
wives) of the said \_\_\_\_\_ do hereby bar my (or our)  
dower in the said lands.

As witness my (or our hand) and seal (or hands and seals)  
this \_\_\_\_\_ day of \_\_\_\_\_ one thousand  
eight hundred and \_\_\_\_\_

Signed, sealed, and delivered }  
in the presence of }

L. S.

CAP.

## CAP. LVII.

An Act to amend the several Acts of the Port Dover and Lake Huron Railway, and to confirm certain by-laws in aid thereof.

[Assented to 24th March, 1874.]

**W**HEREAS it is expedient to amend and consolidate the Preamble.  
 Act passed in the thirty-fifth year of Her Majesty's reign, intituled "An Act to incorporate the Port Dover and Lake Huron Railway Company," and the Act passed in the thirty-sixth year of the same reign, intituled "An Act to amend the Act intituled an Act to incorporate the Port Dover and Lake Huron Railway Company; and to extend the powers conferred upon said company;" And whereas the said company have also petitioned for an Act to further extend their powers, and to confirm certain by-laws affecting the said company; it is expedient to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All subscriptions of stock in the capital of the said company shall be legal or valid, upon which ten per centum Ten per cent. to be paid on stock. shall have been actually and *bona fide* paid thereon into one or more of the chartered banks of this Province, to be designated by the said directors; and such ten per centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes of such railway, or upon the dissolution of the company from any cause whatever; and the said directors or a majority of them may, in their discretion, exclude any persons from subscribing, who, in their judgment, would hinder, delay, or prevent the said company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said provisional directors shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, this will best secure the building of the said railway.

2. The said company may receive from any Government, or Aid to company. any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from Municipalities.

**3.** Any municipal corporation, or any portion of municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said company shall pass or be situated, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto, instead of sections four hundred and seventy-two, four hundred and seventy-three and four hundred and seventy-four of the Municipal Institutions Act: Provided always, that no such aid shall be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of municipality, (as the case may be), as provided in the Municipal Act for the creation of debts.

Mode of submitting by-law to ratepayers.

**4.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid;

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities, or sections proposed to be grouped, being duly qualified voters as aforesaid.

Aid from portion of county municipalities.

**5.** Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities, or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof, shall lie contiguous, but no minor municipality or section thereof which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law.



**6.** In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county, or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities, or portions thereof, comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof, therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Case where by-law is opposed in counties or portion of counties.

Arbitration.

**7.** In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality, and the voting thereon shall be limited to the duly qualified voters in such portions only.

Rate to be levied only on the part of municipality granting bonus.

**8.** Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Deposit to cover expenses

**9.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

Interpretation of "minor municipality."

**10.** No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or section affected thereby, but for the purpose of such aid the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act.

By-laws to be valid, though the annual rate exceed two cents in the dollar.

Provisions of  
by-laws grant-  
ing aid.

**11.** Such by-law shall in each instance provide :

1. For raising the amount petitioned for in the municipality or portions of the county municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law ;

For levying a  
rate.

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures, within twenty years, with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest, which debentures the respective municipal councils, warden, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively : Provided, that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company, or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

Proviso.

If by-law re-  
jected similar  
by-law not to  
be submitted  
for six months.

**12.** In case the by-law submitted is not approved of, no other by-law which is in substance the same, shall be submitted to the voters of the same municipality, or portions of the county municipality, until after the expiration of six months from such rejection.

If by-law car-  
ried, council  
to pass the  
same,

**13.** In case the by-law submitted be approved of, or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same, shall read the said by-law a third time and pass the same.

and issue the  
debentures.

**14.** And within one month after the passing of such by-law, the said council, and the warden, reeve, or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

Corporations  
may exchange  
their debent-  
ures for those  
of the town-  
ship.

**15.** The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township, a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

**16.** Whenever any municipality, or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided, that if the said council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees: any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

Debentures to be delivered to trustees.

\*

**17.** The said trustees shall receive the said debentures or bonds in trust: firstly, under the direction of the company, to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks, having an office in this Province, in the name of "The Port Dover and Lake Huron Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule "A" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for, is in pursuance of the terms and conditions of the by-law, and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

Trusts on which debentures to be held.

**18.** The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees to be as valid and binding as if the three had agreed.

Fees to trustees; act of two trustees to be binding.

**19.** Any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company, may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality; and such director shall be in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

Municipalities aiding may appoint directors,



may grant  
lands,

**20.** Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

and exempt  
from taxation.

**21.** It shall further be lawful for the council of any municipality in which any part of the railway of the company is situate, by by-law especially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Council may  
extend time.

**22.** It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works on the completion of which the said company would be entitled to such bonuses.

Councils may  
contribute  
towards preli-  
minary ex-  
penses.

**23.** It shall be lawful for the council of any township or county municipality interested in the said extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all, or part of the costs, charges and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges, and expenses: Provided always that no one such bonus shall exceed five thousand dollars.

Municipalities  
may agree as  
to application  
of bonus.

**24.** Whenever any municipality or portion of a municipality shall aid, loan, guarantee or give money or bonds by way of bonus to aid the making, equipment and completion of said extension and branches, or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same.

35 V., c. 53,  
s. 22 amended.

**25.** The twenty-second section of the said Act, passed in the thirty-fifth year of Her Majesty's reign, "To incorporate the Port

Port Dover and Lake Huron Railway Company," is hereby repealed, and the following substituted therefor :

The directors of the said company, after the sanction of Directors may issue bonds. the shareholders shall have been first obtained, at any special general meeting to ~~be~~ called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking ; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the company, real and personal, and then existing, and at any time thereafter acquired ; and each holder of the said bonds shall be deemed to be a mortgagee and an incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and the property of the company as aforesaid : Provided however, such issue of bonds shall not exceed ten thousand dollars per mile for each mile in length of the said proposed railway : And provided also, further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders : Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares : All such bonds and coupons, and interest warrants thereon, may be made payable to bearer, and so made shall be transferable by delivery, and the holder may sue thereon at law in his own name.

Not to exceed ten thousand dollars.

**26.** A certain by-law of the Township of South Norwich, numbered one hundred and fifty-six, intituled "By-law 156 to authorize the issue of municipal debentures to the amount of "ten thousand dollars, to be given by way of bonus to aid and "assist the Port Dover and Lake Huron Railway Company, the "amount of said debentures to be expended in the construction of "that part of the said railway lying south of the Town of Woodstock," and passed on the eighteenth day of August, in the year of our Lord one thousand eight hundred and seventy-three ; A certain by-law of the Town of Simcoe numbered ninety-four, intituled, "By-law No. 94, passed in open Council this thirtieth "day of December, A.D. 1872, to raise by way of loan the sum "of ten thousand dollars, to aid and assist the Port Dover "and Lake Huron Railway Company, by giving the said sum "to the said company by way of bonus, to be expended in the "construction of that part of the said railway lying south of "the northern boundary of the Town of Simcoe," and passed on the thirtieth day of December, in the year of our Lord one thousand eight hundred and seventy-two ; A certain by-law of the

Certain by-laws of municipalities granting aid declared valid.

the Town of Stratford, numbered one hundred and seventy-two, intituled, "By-law No. 172, to aid and assist the Port "Dover and Lake Huron Railway Company, by giving thirty "thousand dollars by way of bonus to the said company and to "issue debentures therefor, and to authorize the levying of a "special rate for the payment of the said debentures and the "interest thereon," and passed on the fourteenth day of April, in the year of our Lord one thousand eight hundred and seventy-three; A certain by-law of the Township of Woodhouse, numbered one hundred and twenty-five, intituled "By-law No. "125, to authorize the issue of municipal debentures to the "amount of fifteen thousand dollars, to aid and assist the Port "Dover and Lake Huron Railway Company by giving the said "sum to the said company by way of bonus, subject to certain "terms, restrictions, and conditions, and to authorize the levying "of an annual special rate for the payment of the said debentures "and interest," and passed on the fourteenth day of June, in the year of our Lord one thousand eight hundred and seventy-three; A certain by-law of the County of Oxford, numbered one hundred and seventy-seven, intituled "By-law No. 177, a by-law to "aid and assist the Port Dover and Lake Huron Railway Com- "pany, by giving the sum of twenty-five thousand dollars to the "said company by way of bonus, and to issue Debentures there- "for, and to authorize the levying of a special rate for the pay- "ment of the said debentures and interest," and passed on the fifth day of December, in the year of our Lord one thousand eight hundred and seventy-three; A certain by-law of the County of Perth, numbered one hundred and ninety-one, intituled "A by-law to aid and assist the Port Dover and Lake "Huron Railway Company, by granting thereto the sum of forty "thousand dollars by way of bonus, and also to aid and assist "the Stratford and Huron Railway Company by granting thereto "the sum of eighty thousand dollars by way of bonus, and "to issue debentures for the said sums, and to authorize the "levying of a special rate for the payment of such debentures and the interest thereon," and passed on the twelfth day of December, in the year of our Lord one thousand eight hundred and seventy-three; And a certain other by-law of the County of Oxford, intituled "A by-law to aid and assist the Port "Dover and Lake Huron Railway Company by giving the sum of "fifty thousand dollars to the said company by way of bonus, "and to issue debentures therefor, and to authorize the levying "of a special rate for the payment of the said debentures and in- "terest," and which was read in the council of the said county, on the third and fourth days of December last, and submitted for the approval of the rate payers on the thirtieth day of December, aforesaid; and all debentures issued, or to be issued, under such by-law or by-laws, or any of them, shall be and are hereby declared to be good, valid, legal, binding, and effectual, subject to all conditions or agreements in the said by-law respectively contained and subject also to the provisions contained in section two hundred and sixty of the Municipal Institutions



tions Act; and each of the said by-laws shall be held to have been good, valid, legal, binding, and effectual from the time of the passing thereof, any law, usage, or custom to the contrary notwithstanding: Provided always, and it is hereby declared, <sup>Proviso.</sup> that as between the said company and the municipality of North Norwich, the said township is to be liable for two-fifths only of the said debentures to be issued under the said by-law of the county of Oxford, and interest thereon, and that the company is to indemnify that municipality in respect of the said debentures beyond the proportion aforesaid, including interest on the excess annually, but so that the amount of the said indemnity do not exceed ten thousand dollars and the interest thereon, and that a bond be executed by the company, securing the above indemnity, which bond shall be a first lien on all the property of the company in the counties of Norfolk and Oxford, including the track and road bed, and that such bond shall not need registration in order to preserve the priority of such lien

**27.** Shares in the capital stock of the said company may be held, enjoyed, and transferred by aliens, whether resident in Canada or not, and such aliens shall have, possess, and enjoy all the rights and privileges of a natural born British subject in respect thereto, and shall be eligible to office in the said company. <sup>Rights of aliens.</sup>

**28.** The time for the completion of the said Railway from the Village of Port Dover to the Town of Stratford is hereby extended for the term of four years from the passing of this Act. <sup>Commencement and completion of railway.</sup>

## SCHEDULE "A."

(Section 17.)

### CHIEF ENGINEER'S CERTIFICATE.

THE PORT DOVER AND LAKE HURON RAILWAY COMPANY'S  
OFFICE,

ENGINEER'S DEPARTMENT, A. D. 18

No.

*Certificate to be attached to cheques drawn on the Port Dover and Lake Huron Railway Municipal Trust Account.*

I, \_\_\_\_\_, Chief Engineer for the Port Dover and Lake Huron Railway Company, do hereby certify, that the sum of \$ \_\_\_\_\_ is required to be expended in the construction of the portion of the line extending from mile No. \_\_\_\_\_ to mile No. \_\_\_\_\_, and that payment should be made to the company of such amount from the Municipal Trust Account, the same being in pursuance of the terms and conditions of the by-law of the Municipality of the \_\_\_\_\_ of \_\_\_\_\_

CAP.

## CAP. LVIII.

An Act to make valid a certain By-law of Perth, granting aid to the Port Dover and Lake Huron Railway Company, and to the Stratford and Huron Railway Company.

[Assented to 24th March, 1874.]

Preamble.

**W**HEREAS the Municipal Council of the County of Perth has petitioned for an Act to confirm a certain by-law of the said county, numbered one hundred and ninety-one, granting aid to certain railways; and it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

By-law No.  
191 of County  
of Perth, le-  
galized.

**1.** By-law number one hundred and ninety-one of the County of Perth, passed on the twelfth day of December, one thousand eight hundred and seventy-three, intituled "A By-law to aid and assist the Port Dover and Lake Huron Railway Company by granting thereto the sum of forty thousand dollars, by way of bonus ; and, also to aid and assist the Stratford and Huron Railway Company by granting thereto the sum of eighty thousand dollars, by way of bonus, and to issue debentures for the said sums, and to authorize the levying of a special rate for the payment of such debentures and the interest thereon," and all debentures issued or to be issued under such by-law, shall be and are hereby declared to be good, valid, legal, binding and effectual, and the said by-law shall be held to have been good, valid, legal, binding and effectual from the time of the passing thereof, any law, usage or custom to the contrary notwithstanding.

## CAP. LIX.

An Act to amend the Act incorporating the Port Whitby and Port Perry Railway Company.

[Assented to 24th March, 1874.]

Preamble.

**W**HEREAS the Port Whitby and Port Perry Railway Company have prayed for certain amendments to the Act passed in the thirty-first year of Her Majesty's reign, chaptered forty-two, and the Act passed in the thirty-second year of Her Majesty's reign, chaptered sixty, and the Act passed in the thirty-third year of Her Majesty's reign, and chaptered

chaptered thirty-nine, and the Act passed in the thirty-fourth year of Her Majesty's reign, and chaptered fifty, and the Act passed in the thirty-fifth year of Her Majesty's reign, and chaptered fifty-six, and to change the name of the company and for further corporate powers:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The name of the Company shall be the "The Whitby and Port Perry Extension Railway Company," and not "The Port Whitby and Port Perry Railway Company;" provided always that nothing herein contained shall be construed to make the said Corporation a new Corporation, or to make void or impair the effect of any proceeding, deed, instrument, or writing, in which the said Company shall be designated by its former name, but such proceeding, deed, instrument, or writing shall and may hereafter be continued, construed, and have effect as if the name hereby assigned to the Corporation had been assigned to it by the Act incorporating the Company, and was inserted in such proceeding, deed, instrument, or writing, instead of the name therein used.

Name changed to the Whitby and Port Perry Extension Railway Company.

2. All the real and personal property, shares or stock, obligations, debts, rights, claims, and privileges of the said Company shall be and are hereby transferred to and vested in the said The Whitby and Port Perry Extension Railway Company, and subject to all the rights or liabilities now affecting the same; and all the shareholders in the said Company shall be shareholders for like amounts and with like rights in the Whitby and Port Perry Extension Railway Company; but all legal proceedings heretofore regularly begun by or against the Company, may be continued under the name or style of cause in which they have been instituted, for the benefit of, or against the said The Whitby and Port Perry Extension Railway Company, and recoverable from any property so vested in it as aforesaid.

Property of the former company to be vested in the new company.

3. The General Annual Meeting of the shareholders of the said Company shall be held at such place in the town of Whitby, and at such days and hours as may be directed by the by-laws of the Company.

General Meeting.

4. Special General Meetings of the shareholders of the Company may be held at such times and places and in such manner and for such purposes as may be provided by the by-laws of the Company; the directors of their own motion, are hereby authorized to cause special general meetings of the shareholders of the Company to be held at the town of Whitby, or such other place or places as the shareholders by by-law appoint, on such days and times as the directors appoint.

Special Meeting.



Notice of  
coming  
meetings.

5. Public notice of the holding of the general annual meetings and special general meetings of the shareholders shall be given at least fourteen days previously, in the *Ontario Gazette*, and one or more newspapers published in the County of Ontario.

Shareholders'  
power to make  
by-laws.

6. The shareholders shall have power from time to time to regulate by by-law the qualification and number of directors, and the quorum thereof; the times and proceedings for the election of directors in case of a failure of any election on the day appointed for it; the remuneration of the president, vice-president, managing and other directors; the closing of the transfer book during a certain time not to exceed fifteen days before the payment of each dividend.

Directors last  
elected con-  
tinue till next  
election.

7. The Directors of the Company elected at the last general meeting of the shareholders of the Company, shall continue to, and be the directors of the Company until the election of their successors, at the time appointed by the shareholders by by-law for that purpose, and the directors at such meeting elected shall be the Directors of the Company for the then current year, and till the election of their successors.

Failure to  
election does  
not dissolve  
Corporation.

8. In case it would happen that an election of directors should not be made on any day when it ought to have been made, the Corporation shall not for that purpose be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors, in such manner as shall have been provided by the by-laws of the shareholders in that behalf, and the directors then in office shall remain so until a new election shall have been made.

Transfer of  
stock.

9. No transfer of any share of the capital stock of the Company shall be binding or valid until entered in the books of the Company, according to such form as the directors shall from time to time appoint and determine upon: Provided always, that no shareholder shall be permitted to vote, transfer, or receive a dividend in respect of any share on which there is any overdue and unpaid call, and provided that any transferor of stock shall not be personally liable to the Company or to the creditors thereof, for any unpaid parts of such shares after a *bona fide* transfer thereof, registered in the Company's books.

Running ar-  
rangements.

10. The company shall have power to make running arrangements with, or lease any part of any railway lines now or hereafter constructed or proposed to be constructed in the Province of Ontario, on the lines of route hereby authorized to be constructed, or crossing or connecting with the same upon terms to be approved of by a two thirds majority of the shareholders present in person or by proxy, at a special general meeting to be held for that purpose in accordance with this Act: and without such approval no other Company shall have power

to

to lay down rails on, or run trains or cars over any part of the the Company's line, now or hereafter constructed.

**11.** The company shall have full power under this Act, to Extensions. extend their railway from some point at or near the town of Whitby, to some other points at or near the village of Oshawa and to the Oshawa harbour, to deep water, and also to extend their line from some point in or near the village of Port Perry to some point in or near the village of Beaverton, and thence to or near to the village of Gravenhurst, and thence to or near to the mouth of the Muskoka River, and from a point at or near to the said village of Gravenhurst to French River and also to construct a branch from some point on their line in or near the village of Port Perry to the village of Uxbridge, and also to construct a branch from a point in its line or in the line hereby authorized, in or near the township of Reach to the town of Lindsay, and thence to the village of Fenelon Falls, and thence to the village of Haliburton, and also to build one or more sidings from some point or points in or near to the town of Whitby to some other point or points on or near the Whitby Harbour, or without the said harbour, so far as this Legislature has jurisdiction to grant such authority and right, but subject to the rights of the Crown and to the terms and conditions set out and contained in the Order in Council of the late Province of Canada, having reference to said harbour; and all and every the powers, limitations and conditions comprised in the Railway Act and the Acts amending the same, and conferred by the special Act incorporating the said The Port Whitby and Port Perry Railway Company, and Acts amending the same, shall be taken, held and construed to apply to each and every extension, branch and siding hereby authorized to be constructed, as fully and effectually as if such extensions, branch lines and sidings had been specially authorized in and by the said Act incorporating the said Company, and the Acts amending the same, subject to the rights of the Crown and the order aforesaid.

**12.** The said company may receive from any Government, or from any person or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift, or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid to Company from Government, &c.

**13.** Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained, Aid from Municipalities

contained, which are to be taken as applicable thereto, instead of sections four hundred and seventy-two, four hundred and seventy-three and four hundred and seventy-four of the Municipal Institutions Act: Provided always, that no such aid shall be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality, (as the case may be,) as provided in the Municipal Act for the creation of debts.

Manner of  
submitting by-  
laws to rate-  
payers.

**14.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid;

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities, or sections proposed to be grouped, being duly qualified voters as aforesaid.

Aid from por-  
tions of county  
municipalities.

**15.** Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous; but no minor municipality or section thereof which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law.

Grouping mi-  
nor municipi-  
palities.

Proceedings in  
opposing sub-  
mission of by-  
law.

**16.** In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would

be



be injuriously affected thereby, or upon any other ground ought not to be included therein; and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or of the riding in which the county town is situate, and one being an engineer, appointed by the Commissioner of the Department of Public Work for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final; and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Arbitration.

Costs.

**17.** In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality; and the voting thereon shall be limited to the duly qualified voters in such portions only.

Rate to be levied only on the part of municipality granting bonus.

**18.** Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Railway to make deposit for expenses.

**19.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

Interpretation of words "minor municipality."

**20.** No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or section affected thereby; but for the purpose of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act.

By-laws to be valid, though the annual rate exceed two cents in the dollar.

**21.** Such by-law shall in each instance provide,

Requisites of by-laws.

1. For raising the amount petitioned for in the municipality or portions of the county municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively; and shall also provide for the delivery

delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law ;

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest, which debentures the respective municipal councils, warden, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively : Provided, that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company, or loaned thereon ; the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

If by-law defeated limit of time for submitting similar one.

**22.** In case the by-law submitted is not approved of, no other by-law which is in substance the same, shall be submitted to the voters of the same municipality or portions of the county municipality, until after the expiration of six months from such rejection.

If by-law carried, council to pass the same ;

**23.** In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time, and pass the same.

and issue the debentures.

**24.** And within one month after the passing of such by-law, the said council, and the warden, reeve, or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

Corporation may exchange their debentures for those of the townships.

**25.** The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township, a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

Trustees for municipal debentures.

**26.** Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of

of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario : Provided, that if the said Council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees ; any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the said company ; and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

**27.** The said trustees shall receive the said debentures or bonds in trust : firstly, under the direction of the company, to convert the same into money ; secondly, to deposit the amount realized from the sale in some of the chartered banks, having an office in this Province, in the name of "The Whitby and Port Perry Extension Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule A hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for, is in pursuance of the terms and conditions of the by-law ; and such certificate is to be attached to the cheques to be drawn by the said trustees ; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

Trusts on which debentures are to be held.

**28.** The trustees shall be entitled to their reasonable fees and charges from said trust fund : and the act of any two of such trustees to be as valid and binding as if the three had agreed.

Trustees' fees. Act of two to govern.

**29.** Any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company, may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality ; and such director shall be, in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

Municipal Directors.

**30.** Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with

Company may receive gifts of lands.



with the running or traffic of the said railway ; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Municipalities  
may exempt  
company from  
taxation.

**31.** It shall further be lawful for the council of any municipality in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Council may  
extend time.

**32.** It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works on the completion of which the said company would be entitled to such bonuses.

Councils may  
contribute  
towards preliminary  
expenses.

**33.** It shall be lawful for the council of any municipality interested in the said extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such municipalities, or any of them, to bear all, or part of the costs, charges and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses ; Provided always that no one such bonus shall exceed five thousand dollars.

Municipalities  
may agree as  
to application  
of bonus.

**34.** Whenever any municipality or portion of a municipality shall aid, loan, guarantee, or give money or bonds by way of bonus to aid the making, equipment, and completion of said extension and branches, or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same.

Branch to  
Oshawa.

**35.** It shall be lawful for the trustees, if the Company require them to do so, to expend all the bonuses to be granted by the Village of Oshawa, and the Township of East Whitby, or either of them, on the branch hereby authorized to be constructed to Oshawa.

**36.** In the absence of an agreement by the Company to the contrary it shall be lawful for the trustees, if the Company require them to do so, to expend all the bonuses to be granted by the Township of Uxbridge and Scott, and Village of Uxbridge, or any of them, on the branch by this Act authorized to be constructed to the Village of Uxbridge.

Uxbridge  
Branch.

**37.** In the absence of an agreement by the Company to the contrary, it shall be lawful for the trustees if the Company require them so to do, to expend all the bonuses which may be granted by all or any municipality or municipalities, or portion of municipality or municipalities, in the Counties of Victoria and Peterborough, or either of them, on the branch by this Act authorized to be constructed to Haliburton, and if the municipalities lying northward of Fenelon Falls decline to grant the required bonuses, it shall be lawful for the trustees, if the Company required them to do so, to expend on the branch to Fenelon Falls all those bonuses which would have been expended on the branch if extended to Haliburton, if the municipalities northward of Fenelon Falls had granted the required bonuses.

Bonuses to be  
expended on  
Haliburton  
Branch.

**38.** In the absence of an agreement by the Company to the contrary, it shall be lawful for the trustees, if the Company require them so to do, to expend all bonuses to be granted by any municipality or municipalities, or any county municipality or county municipalities, or any portion of such municipality or municipalities, or county municipality or municipalities, lying southerly of the Township of Morrison, other than bonuses which the Company have agreed to expend otherwise, on the extension of the Railway as far as the said Township of Morrison, and to apply all bonuses to be granted by municipalities lying northerly of the Township of Rama, on the extension northerly of the Township of Rama.

Bonuses to be  
expended in  
Ontario and  
northerly.

**39.** It shall be lawful for the directors of the company after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, and they are hereby empowered to issue from time to time as occasion may require, for the purposes of the company, bonds, debentures, mortgage bonds, or other securities to any amount, executed by the president or vice-president for the time being, of the company, and countersigned by the secretary, and may be payable to bearer in London, England, or elsewhere, as the directors think expedient: and the same may be assignable by delivery; but the amount so allowed to be issued, together with the amount already issued, shall not exceed fifteen thousand dollars per mile of the said railway, already constructed from Port Whitby to Port Perry; and such bonds, debentures, mortgage bonds and other securities, including those already issued, shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the railway and property of the railway

Company may  
issue bonds.

way company, in and from Port Whitby, to and in Port Perry; and each holder of said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata*, with all the other holders thereof, upon the undertaking, and present, and future acquired property of the company, in and from Port Whitby to and in Port Perry; and it shall be further lawful for the directors of the company with the like sanction of the shareholders as aforesaid, and they are hereby empowered to issue from time to time as occasion may require, other bonds, debentures, mortgage bonds, and other securities to any amount, executed, payable and assignable in manner aforesaid, for the purpose of raising money for prosecuting the said extension and branches hereby authorized to be constructed; and such last mentioned bonds, debentures, mortgage bonds, and other securities be declared on the face thereof to be "extension bonds," and shall, without registration or formal conveyance be taken and considered to be first and preferential claims and charges upon the said extension and branches; but the amount thereof when issued shall not exceed twelve thousand dollars per mile when constructed of such last mentioned extension and branches; and each holder of said last mentioned bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders of the last mentioned bonds upon the said extensions and branches only, and the twenty-third and twenty-fourth sections of the said Act of incorporation chapter forty-two, and the first section of the Act passed in the thirty-second year of Her Majesty's reign, and chaptered sixty, amending said Act of incorporation, are to read as altered or amended by the foregoing provisions of this Act.

Company may  
pledge bonds.

40. The said company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds, debentures or mortgage securities which under the provision of this Act can be issued for the construction of said extension, branches, or any of them.

Company may  
acquire  
vessels.

41. The said company for the purpose only of facilitating its traffic, shall have power to purchase, build, fit out, complete and charter, sell or dispose of work, control, and keep in repair steam tugs, barges, steam boats, and other vessels to ply in connection with the said railway.



## SCHEDULE A.

*(See Section 27.)*

## CHIEF ENGINEER'S CERTIFICATE.

THE WHITBY AND PORT PERRY EXTENSION RAILWAY.  
 COMPANY'S OFFICE,  
 ENGINEER'S DEPARTMENT, A. D. 18

*Certificate to be attached to cheques drawn on The Whitby  
 and Port Perry Extension Railway Municipal Trust  
 Account.*

I, \_\_\_\_\_ Chief Engineer for The Whitby and Port Perry  
 Extension Railway Company, do hereby certify that the sum  
 of \$ \_\_\_\_\_ is required to be expended in the construction of  
 the portion of the line extending from mile No. \_\_\_\_\_ to mile  
 No. \_\_\_\_\_, and that payment should be made to the com-  
 pany of such amount from the Municipal Trust Account, the  
 same being in pursuance of the terms and conditions of the By-  
 law of the Municipality of the \_\_\_\_\_ of

## CAP. LX.

An Act to amend the Act incorporating the Prince  
 Edward County Railway Company.

*[Assented to 24th March, 1874.]*

WHEREAS, the Prince Edward County Railway Company Preamble.  
 have petitioned the Legislature for certain amendments  
 to their Act of Incorporation passed in the thirty-sixth year  
 of the reign of Her Majesty Queen Victoria, and chaptered  
 seventy-three; and it is expedient to grant the prayer of the  
 said petition:

Therefore Her Majesty by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

1. The Board of Directors of the said Company shall consist  
 of eleven persons instead of seven, as provided in the said Act,  
 but such eleven directors shall be elected annually, at the Gene-  
 ral Annual Meeting of the said Company, in the manner pro-  
 vided in the said Act. Increase of  
number of  
Directors.

2. The Directors of the said Company, subject to the provi-  
 sions of the fifteenth section of the said Act, may issue bonds  
 to Power as to  
issue of bonds

to an amount not exceeding twelve thousand dollars per mile of the said railway, actually under construction at the time of such issue; and the limitation of nine thousand dollars in the sixteenth section is hereby repealed.

Time for  
commence-  
ment and  
completion of  
railway  
extended.

3. The time for the commencement of the said railway, as mentioned in the twenty-seventh section of the said recited Act, shall be, and is hereby extended to two years from the passing of this Act; and the time for the completion of so much of the said railway as is mentioned in the twenty-seventh section is hereby extended to six years from the passing of this Act.

## CAP. LXI.

### An Act to incorporate The Sarnia Street Railway Company.

*[Assented to 24th March, 1874]*

Preamble.

WHEREAS, Charles Taylor, George Leys, J. G. McCrae, James King, Robert S. Chalmers, Charles Mackenzie, James A. Smith and others, have by their petition prayed for an Act of incorporation, under the name of "The Sarnia Street Railway Company," for the purpose of constructing and operating a street railway in the Town of Sarnia, and adjoining municipalities; And whereas, it is expedient to grant the prayer of the petitioners:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation.

1. The said Charles Taylor, George Leys, J. G. McCrae, James King, Robert S. Chalmers, Charles Mackenzie, James A. Smith, and such other persons as shall become shareholders of the said company, are hereby constituted a body corporate and politic, under the name of "The Sarnia Street Railway Company."

Corporate  
name.

Stock.

2. The capital of the company shall be twenty thousand dollars, in shares of fifty dollars each; but the capital stock may be increased by the shareholders as hereinafter provided.

Provisional  
directors.

3. Charles Taylor, George Leys, J. G. McCrae, James King, Robert S. Chalmers, Charles Mackenzie and James A. Smith, shall be provisional directors of said company, to obtain subscriptions for stock, and organize said company, and shall hold office until the election of directors, as hereinafter provided for

4. So soon as ten thousand dollars of the capital stock has been subscribed, and twenty per centum thereon paid up, the shareholders shall proceed to the election of a board of directors for the said company, and the provisional directors, or a majority of them, shall call a meeting of the shareholders for that purpose, first giving two weeks' notice thereof, in some newspaper published in the Town of Sarnia. Election of directors.

5. The board of directors shall consist of seven directors, each of whom shall be a shareholder of not less than two hundred dollars, and four directors to constitute a quorum; such election, and every question to be decided at such meeting, shall be by ballot, by a plurality of votes of the stockholders present in person, or represented by written proxy, each share to have one vote; the directors so chosen shall immediately elect one of their own number to be president, and another to be vice-president, which president, vice-president and directors shall continue in office for one year, and until others shall be chosen to fill their places; and if any vacancy shall at any time happen by death, resignation, or otherwise, during said year, in the office of president, vice-president, or directors, the remainder of such directors shall supply such vacancy for the remainder of the year; and the election of directors shall take place annually, either on the anniversary of the day of the first election of directors, or such other day as may be fixed by by-law, as hereinafter mentioned. Qualification.  
President.  
Vacancies.

6. So soon as stock to the amount aforesaid shall have been subscribed and twenty per centum thereof paid up, and the said board shall have been elected in manner aforesaid, the company may commence operations, and exercise the powers hereby granted; but the company shall commence operations within two years from the passing of this Act. Commencement of operations.

7. The company are hereby authorized and empowered to construct, maintain, complete and operate a double or single iron railway, with the necessary side tracks, and turn outs, for the passage of cars, carriages, and other vehicles adapted to the same, upon and along streets and highways within the jurisdiction of the Corporation of the Town of Sarnia, and of any of the adjoining municipalities, as the company may be authorized to pass along, under and subject to any agreement hereafter to be made between the council of the said town, and of said municipalities respectively, or any of them, made in pursuance thereof, and to take, transport, and carry passengers and freight upon the same, by the force or power of animals, or such other motive power as they may be authorized by the council of said town and municipalities respectively by by-law to use, and to construct and maintain all necessary works, buildings, appliances, and conveniences connected therewith. Powers of the company.



Powers of the  
directors.

8. The directors shall have full power to make all by-laws for the management of the company ; the acquirement, management, and disposition of its stock, property, and effects, and of its affairs and business ; the making and collection of calls on its stocks, and forfeiture thereof for non-payment ; the entering into arrangements and contracts with the said town or municipalities ; the declaration and payment of dividends out of the profits of said company ; the form and issuing of stock certificates, and the transfer of shares ; the calling of special and general meetings of the company ; the appointment, removal, and remuneration of all officers, clerks, workmen, and servants of the company ; the fares to be received from passengers and freight transported over the railway or any part thereof ; the intervals of time in running each car ; the time within which on each day the cars shall be run ; the speed of running the same ; and in general, to do all things that may be necessary to carry out the objects, and the exercise of any powers incident to the company : Provided always, that the fares shall not exceed for each passenger five cents for any distance within the said limits of the said Town of Sarnia, and ten cents for any distance from any point within the said limits, to any point outside of the said limits, or from any point outside the said limits to any point within the said limits : Provided also, that the said company may charge double the said rates of fare between the hours of seven o'clock in the afternoon and seven o'clock in the forenoon.

Stock to be  
personalty.

9. The stock of the company shall be deemed personal estate, and shall be transferable in such way as the directors shall by by-law direct.

Powers as to  
real estate.

10. The company may purchase, lease, hold, or acquire and transfer any real or personal estate necessary for carrying on the operations of the company.

Non election  
of officers not  
to dissolve  
company.

11. If the election of directors be not made on the day appointed by this Act, the company shall not, for that reason, be dissolved ; but the stockholders may hold the election on any other day, in the manner provided for by any by-law passed by the directors for that purpose, and all acts of the directors, until their successors are appointed, shall be valid, and binding upon the company.

Company may  
borrow money.

12. The directors of the company may, from to time, increase the capital of the said company for such amount or amounts as occasion may require, and also raise or borrow, for the purposes of the company, any sum or sums, not exceeding in the whole at any time the actual amount of capital stock *bona fide* subscribed and paid up, by the issue of bonds or debentures, in sums of not less than one hundred dollars, on such terms and credit as they may think proper, and may pledge or mortgage all the property, tolls, and income of the company, or any part thereof, for the repayment of the moneys so raised or borrowed, and the interest

interest thereon : Provided always, that the consent of two-thirds in value of the stockholders of the company present, or represented by proxy at said meeting, shall be first had and obtained, at a special meeting to be called and held for either or both of the purposes aforesaid.

**13.** The Council of the said town, and of any of the adjoining municipalities, or any of them, and the said company, are respectively hereby authorized to make and to enter into any agreements or covenants relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the streets or highways ; and the construction, opening and repairing of drains and sewers ; and the laying of gas and water pipes in the said streets and highways ; the location of the railway, and the particular streets along which the same shall be laid ; the pattern of rail ; the time and speed of running of the cars ; the time within which the works are to be commenced, the manner of proceeding with the same, and the time for completion ; and generally for the safety and convenience of the passengers ; the conduct of the agents and servants of the company ; and the non-impeding or obstructing of the ordinary traffic.

Town and adjoining municipalities may make agreements regarding construction of railway, &c.

**14.** The said town, and the said municipalities, are hereby authorized to pass any by-law or by-laws, and to amend, repeal, or enact the same for the purpose of carrying into effect any such agreements or covenants, and containing all such necessary clauses, provisions, rules, and regulations for the conduct of all parties concerned, including the company, and for the enforcing obedience thereto, and also for the facilitating the running of the company's cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass.

By-laws regarding roads.

**15.** The company may substitute sleighs for railway carriages, during the winter months, upon the route of their railway.

May use sleighs.

**16.** The fare shall be due and payable by every passenger upon entering the car or sleigh ; and any person refusing to pay when demanded by the conductor or driver, and refusing to quit the car or sleigh, shall be liable to a fine not less than five dollars, recoverable before any Justice of the Peace.

Penalty for refusing to pay fare.

**17.** The rails of the railway shall be laid flush with the streets and highways, and the railway track shall conform to the grades of the same, so as to offer the least possible impediment to the ordinary traffic of the said streets and highways, and all other ordinary vehicles shall be permitted to use and travel in the said tracks, provided they do not interfere with, or impede the running of the cars or sleighs of the company ; and in all cases any carriage or vehicle on the track shall immediately give place to the cars, carriages, sleighs or other conveyance of the company, by running off the track.

Manner of laying the rails.

Right of railway to road.

## CAP. LXII.

## An Act to incorporate the South-Western Railway of Canada.

[Assented to 24th March, 1874.]

## Preamble.

**W**HEREAS the County Council of the County of Essex, Ontario, has petitioned for the incorporation of a railway company to construct and operate a railway from some point upon Lake Erie, at or near the east boundary of the Township of Mersea, which is also the division line between the Counties of Kent and Essex, thence through the Townships of Mersea, Gosfield, Colchester, Sandwich East and West, to some point on the Detroit River, in the Town of Sandwich, in the said county, passing through or near the Villages of Wheatley, Leamington, Ruthven, Kingsville, Colchester and Harrow, and then, by the most direct line, to the said Town of Sandwich, in said County of Essex; and whereas such a railway would cause the development of the industries of the south-western townships of the County of Essex by connecting them with the system of through railways from east to west, which do not at present afford such townships facilities for bringing their products to market; and it is expedient to grant the prayer of the petitioners.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

## Incorporation.

**1** John A. Askin, Charles Gauthier, B. D. D. Rorison, John Hammon, Thomas Armitage, Alanson Elliott, J. C. Patterson, Theodore Wigle, George Malot, T. M. Fox, James McKee, John Mercer, Louis Lafferty, Luc Montreuil, George Russell, and George Rankin; together with such persons and corporations as shall in pursuance of this Act become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The South Western Railway Company of Canada."

## Corporate name.

## Certain clauses of the Railway Act to apply.

**2.** The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof, with respect to "interpretation," "incorporation," "powers," plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors; their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "by-laws," "notices, &c.," "working of the railway" and "general provisions" shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company, and to the railway to be constructed by them, except only so far as the same may be inconsistent with the



the express enactment hereof, and the expression "This Act" when used herein, shall be understood to include the clauses of the said Railway Act and amendments thereto so incorporated with this Act.

Interpretation  
of the words  
"this Act."

3. The said company, their agents and servants may lay out, construct, and finish a double or single iron or steel railway, of such gauge as the company see fit, from the place before described, in or near the Township of Mersea, in the County of Essex, to some point on the River Detroit, within the limits of the Town of Sandwich, in the County of Essex, passing over any part of the county between the points aforesaid, with power to construct a branch or branches to or through the Town of Windsor or Village of Walkerville, in the Township of Sandwich East.

Power to  
construct a  
railway on a  
certain line.

4. The said company shall also have power to construct on the shores of Lake Erie, on the River Detroit, or on any river or stream near the said railway, such wharves, piers, warehouses or other works as may be required for the use of the said company.

Power to build  
wharves and  
warehouses.

5. The said company shall have power to construct, purchase, charter and navigate boats or vessels of any description on said lake and river, in order to supply facilities for traffic to be carried on said railway.

Power to build,  
charter and  
navigate boats  
or vessels.

6. The persons named in the first section of this Act shall be and are hereby constituted provisional directors of the said company, of whom a majority shall be a quorum, and shall have power to fill vacancies occurring, and to add not more than three to their number, and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open stock-books, and procure subscriptions of stock for the undertaking, and to receive payment for stock subscribed, and make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made; and to deposit in any chartered bank of Canada or banking establishment in the said County of Essex, all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking; and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under the Railway Act of the Consolidated Statutes of Canada are vested in ordinary directors; the said directors are hereby empowered to open stock books for the subscription by parties desirous of becoming shareholders in the said company; the said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any person from so subscribing who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing

Provisional  
directors;

their powers.

completing their undertaking under the provisions of this Act ; and if, at any time, a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking ; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such will best secure the building of the said railway ; and all meetings of the provisional board of directors shall be held at the town of Sandwich, unless otherwise provided by the by-laws of the said company.

Form of conveyances to the company.

7. Conveyances of lands to the said company for the purposes of this Act, may be made in the form set out in the schedule A hereunder written, or to the like effect, and the same shall be sufficient conveyance to the said company, their successors and assigns of the estate, or interest therein mentioned and sufficient bar of dower respectively of all persons executing the same ; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario ; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Registration.

Capital stock.

8. The capital stock of the said company shall be two hundred thousand dollars to be divided into two thousand shares of one hundred dollars each ; and the money so raised shall be applied in the first place to the payment of all fees and expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all other preliminary expenses connected with the undertaking ; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining the said railway, and otherwise generally for the purposes of this Act ; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality which may be affected by the said railway, may by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality a sum (not exceeding two hundred dollars in townships, towns, and incorporated villages, and the sum of one thousand dollars in the county) towards the preliminary expenses, which said sum shall thereafter (if such municipality so require) be refunded to such municipality from the capital stock of said company, or be allowed to it in payment of stock.

First meeting for election of directors.

9. When, and so soon as one-tenth part of the capital stock (which capital stock shall not be less than two hundred thousand

thousand dollars) shall have been subscribed, as aforesaid, and one-fifth of the amount so subscribed paid in, the said directors, or a majority of them, may call a meeting of the shareholders, at such time and place as they shall think proper, giving at least two week's notice in one or more newspapers published in the County of Essex, at which said general meeting, and at the annual general meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect not less than five nor more than seven directors in the manner, and qualified as hereinafter provided, which directors shall constitute a board of directors, and shall hold office till the first Wednesday in October in the year following their election; and may also pass such rules, regulations and by-laws, with reference to the said company, as may be deemed expedient, provided they are not inconsistent with this Act.

**10.** On the said first Wednesday in October, and on the first Wednesday in October in each year thereafter, at the principal office of the said company, there shall be held a general meeting of the shareholders of the company, at which meeting the said shareholders shall elect a like number of not less than five or not more than seven directors for the then ensuing year, in the manner hereinafter provided; and public notice of such annual meeting and election shall be published at least two weeks previously in one or more newspapers in the County of Essex; and the election for directors shall be by ballot; and the persons so elected shall form the board of directors.

Annual  
general meet-  
ing.

**11.** The directors to be elected by the shareholders may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters or other persons who, in the opinion of a majority of the said directors, may be of material aid in the furtherance of the undertaking, or purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional directors or not.

Directors may  
make certain  
payments in  
paid up stock  
or in bonds.

**12.** Special general meetings of the shareholders may be held in the Town of Sandwich, at such time and place, and for such purpose as, may be prescribed by the by-laws of the company.

Special general  
meetings.

**13.** No subscriptions for stock in the capital of the company shall be binding on the company, unless ten per centum of the sum subscribed has been actually paid into some chartered bank or banks, or broker's office, approved of, as aforesaid, to be designated by the directors, to the credit of the company, within a period to be named by the board.

Ten per cent.  
to be paid on  
stock.

**14.**



Quorum of directors.

**14.** A majority of the directors shall form a quorum for the transaction of business, and the said board of directors may employ one of their number as paid director: Provided however that no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company, and shall have paid up all calls upon the stock.

Calls on shares.

**15.** The directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said company, in such proportions as they may see fit, no such instalment exceeding ten per centum, and the directors shall give one month's notice of such call, in such manner as they may direct.

Power to construct branch lines.

**16.** The directors of the said company, selected by the shareholders in accordance with the provisions of this Act, shall have power to build and construct any branch from the main line of said South Western Railway Company to any other chartered railway company, within the said County of Essex, with a view to the convenience and development of the trade of said county.

Scale of votes.

**17.** Every shareholder holding one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due upon the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Aid to company from Government, &c.

**18.** The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from municipalities.

**19.** Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto, instead of sections four hundred and seventy-two, four hundred and seventy-three, and four hundred and seventy-four of the Municipal Institutions Act: Provided always, that no such aid shall be given, except after the passing of a by-law for the purpose, and the adoption of such-law by the qualified rate-payers of the municipality or portion of municipality, (as the

the case may be,) as provided in the Municipal Act for the creation of debts.

**20.** Any town, township, or village within the said county, which may have already advanced or granted moneys, or otherwise aided any other exclusively steam railway company or companies, shall not be subject to the purposes or provisions of this Act, and whenever the words "county municipality" are made use of, either in this Act or the General Railway Act, they shall have reference to and include only such towns, townships, or villages in said county as have not already advanced or granted such aid; and, further, it shall be lawful for the reeves and deputy-reeves of such unencumbered municipalities in said county, to exercise all the functions of a county municipality: Provided always that the remaining minor municipalities in said county as have already advanced such aid be exempted from any taxation growing out of the objects and purposes of this Act.

Certain municipalities to be exempted from the powers of this Act.

Proviso.

**21.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

Manner of submitting by-laws to rate-payers.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid;

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities, or sections proposed to be grouped, being duly qualified voters as aforesaid.

**22.** Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous; but no minor municipality or section

Aid from portions of county municipalities

Grouping minor municipalities.

tion thereof which is subject to a county or other by-law in aid of the said railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law.

Proceedings  
on opposing  
submission of  
by laws.

Arbitration.

**23.** In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein; and upon deposit by the petitioners with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company, or the county, as the arbitrators may order.

Rate to be  
levied only on  
the part of  
municipality  
granting  
bonus.

**24.** In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality; and the voting thereon shall be limited to the duly qualified voters in such portions only.

Company to  
make deposit  
for expenses.

**25.** Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Interpretation  
of the words  
"minor munici-  
pality."

**26.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county township, or incorporated village situate in the county municipality.

By-laws to be  
valid, though  
the annual rate  
exceed two  
cents in the  
dollar.

**27.** No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or section

tion



tion affected thereby; but for the purpose of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act.

**28.** Such by-law shall in each instance provide;

Requisites of  
by-law.

1. For raising the amount petitioned for in the municipality or portions of the county municipality, (as the case may be,) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law;

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures, within twenty years with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest; which debentures the respective municipal councils, warden, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively: Provided, that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

**29.** In case the by-law submitted is not approved of, no other by-law which is in substance the same shall be submitted to the voters of the same municipality or portion of the county municipality, until after the expiration of six months from such rejection.

If by-law defeated, limits of time for submitting similar one.

**30.** In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same, shall read the said by-law a third time and pass the same.

If by-law carried, council to pass the same,

**31.** Within one month after the passing of such by-law the said council, and the warden, reeve, or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

and issue the debentures.

**32.** The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township, a like amount of the debentures of the said county,

Corporation may exchange their debentures for those of the townships.

county, on a resolution to that effect being passed by the county council; but the township municipality shall in each case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

Trustees for  
municipal  
debentures.

**33.** Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided, that if the said Council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustees may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

Trusts on  
which debentures  
are to be  
held.

**34.** The said trustees shall receive the said debentures or bonds in trust: firstly, under the direction of the company, to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks having an office in this Province, in the name of "The South Western Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule B hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for, is in pursuance of the terms and conditions of the by-law, and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

Trustees' fees.  
Act of two to  
govern.

**35.** The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees to be as valid and binding as if the three had agreed.

Municipal  
directors.

**36.** Any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company may stipulate that it shall be entitled to name a director in the said company

company as the representative of such municipality ; and such director shall be, in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

**37.** Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway ; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same of the benefit of the said company.

Company may receive gifts of lands.

**38.** It shall further be lawful for the council of any municipality in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment ; or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Municipalities may exempt Company from taxation.

**39.** It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonuses.

Council may extend time.

**40.** It shall be lawful for the council of any township or county municipality interested in the said extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all, or part of the costs, charges and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses ; provided always that no one such bonus shall exceed five thousand dollars.

Councils may contribute towards preliminary expenses.

**41.** Whenever any municipality or portion of a municipality shall aid, loan, guarantee, or give money or bonds by way of bonus to aid the making, equipment and completion of said extension and branches, or any part or parts thereof, it shall be lawful

Municipalities may agree as to application of bonus.



lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same.

Agreements  
with other  
railway com-  
panies.

**42.** It shall be lawful for the said Company to enter into any agreement with any other railway in the Province of Ontario, for leasing the said railway or any part thereof to such other company, or for leasing or hiring from such other company any railway or any part thereof, or for leasing or hiring locomotives or other rolling stock, and generally to make any agreement or agreements with any such other company touching the use by one or the other or by both companies, of the railway or moveable property of either, or of both or of any part thereof; or touching any service to be rendered by one company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting and executing such lease or agreement shall be and is hereby empowered to exercise all the rights, powers and privileges in this Act conferred: Provided, the said leases, agreements and arrangements have been first respectively sanctioned at special general meetings of the shareholders called for the purpose of considering the same, respectively under the provisions of the Railway Act, and then by a vote to that end of two-thirds of the shareholders present, either present or by proxy.

Company may  
receive aid  
from govern-  
ment, &c.

**43.** The said Company may receive from government, or from any persons or bodies corporate, municipal or politic, who may have powers to make or grant the same in aid of the construction, equipment or maintenance of the said railway, bonuses, or gifts of money or lands or securities for money.

Commence-  
ment and com-  
pletion of  
railway.

**44.** The railway shall be commenced within three years, and completed within six years after the passing of this Act.

Carriage of  
cordwood.

**45.** The said company shall, at all times, receive and carry cordwood, or any wood to be used as fuel, at a rate not to exceed three cents per ton per mile, in full car loads, from all stations within such municipalities as may take the amount of stock in the capital of the said company allotted to them by the directors of the said company, or grant a bonus thereto of equal value or amount; and the said company shall at all times furnish every facility necessary for the free and unrestrained traffic in cordwood, to as large an extent as in other freight carried over said railway.

Power to issue  
bonds.

**46.** The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, are hereby authorized and empowered, to issue bonds for the purpose

purpose of raising money for prosecuting he said undertaking, and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking, and present and future property of the company, including rolling stock and equipments; and each holder of said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company; Provided that the whole amount of such issue of bonds shall not exceed in all the sum of twelve thousand dollars per mile; And provided also that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting, as are allowed to shareholders, in case the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the Secretary of the company to register the same on being required to do so by any holder thereof.

**47.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary or treasurer be individually responsible for the same unless the said promissory note or bill of exchange has been issued without the sanction and authority of the directors as hereinbefore enacted; Provided always, that nothing herein contained shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Rights of  
bondholders  
when interest  
in arrear.

**48.** Where stone or gravel or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situated, for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required; and they shall serve a copy thereof with their notice of arbitration as in the case of acquiring the road way; and the notice of arbitrators, the award and the tender of compensation, shall have the same effect as in the case of arbitration for the roadway; and all the provisions

Acquiring  
gravel, &c.

provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining material as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Laying tracks  
to gravel pits.

**49.** When said gravel or stone, or other materials shall be taken under the preceding sections of this Act, at a distance from the line of the Railway, the company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purposes of repairing, and maintaining the said railway.

Any share-  
holder may  
hold stock.

**50.** Any shareholder in the said company, whether a British subject or alien, shall have equal rights to hold stock in the said company, and to vote on the same, and shall be eligible to office in the said company.

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## SCHEDULE A.

(Section 7.)

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by the "South Western Railway Company of Canada," the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land, situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of their said railway; to hold with the appurtenances unto the said "The South



South Western Railway Company of Canada," their successors and assigns (*here insert any other clauses, covenants or conditions required*); and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my hand and seal (or our hands and seals)  
this day of one thousand eight  
hundred and

Signed, sealed and delivered }  
in the presence of }

L. S.

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### SCHEDULE B.

(Section 34.)

#### CHIEF ENGINEER'S CERTIFICATE.

THE SOUTH WESTERN RAILWAY COMPANY OF CANADA OFFICE,  
ENGINEER'S DEPARTMENT, A. D. 18  
No.

*Certificate to be attached to cheques drawn on The South Western Railway Municipal Trust Account*

I, \_\_\_\_\_, Chief Engineer for The South Western Railway Company of Canada, do hereby certify that the sum of \$ \_\_\_\_\_ is required to be expended in the construction of the portion of the line extending mile No. \_\_\_\_\_ to mile No. \_\_\_\_\_, and that payment should be made to the company of such amount from the Municipal Trust Account, the same being in pursuance of the terms and conditions of the by-law of the Municipality of the \_\_\_\_\_ of \_\_\_\_\_

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### CAP. LXIII.

An Act to amend the Acts relating to the Victoria Railway Company.

[Assented to 24th March, 1874.]

**W**HEREAS the Victoria Railway Company have petitioned for an Act to amend the several Acts relating to the said company, and it is expedient to grant the prayer of their petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Aid to com-  
pany by gov-  
ernment, &c.

1. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from  
municipalities.

2. Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto, instead of sections four hundred and seventy-two, four hundred and seventy-three, and four hundred and seventy-four of the Municipal Institutions Act: Provided always that no such aid shall be given, except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified rate-payers of the municipality or portion of municipality, (as the case may be,) as provided in the Municipal Act for the creation of debts.

Manner of  
submitting  
by-laws.

3. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality the petition shall be that of a majority of the reeves or deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid;

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any sections by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said municipalities, or sections proposed to be grouped, being duly qualified voters as aforesaid.

Aid from por-  
tions of county  
municipalities.

4. Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of  
two

two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous; but no minor municipality or section thereof which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law.

Grouping  
minor municipi-  
palities.

5. In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final; and the by-law so confirmed or amended, shall thereupon at the option of the railway company be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the arbitrators may order.

Proceedings  
on opposing  
submission of  
by-law.

Arbitration.

Costs.

6. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality, and the voting thereon shall be limited to the duly qualified voters in such portions only.

Rate to be  
levied only on  
the part of  
municipality  
granting  
bonus.

7. Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Railway to  
make deposit  
for expenses.

8. The term "minor municipality" shall be constructed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county municipality.

Interpretation  
of words  
"minor municipa-  
lity."



By-laws to be valid, though the annual rate exceed two cents in the dollar.

**9.** No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or sections affected thereby; but for the purpose of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act.

Requisites of by-law.

**10.** Such by-law shall in each instance provide

(1) For raising the amount petitioned for in the municipality or portions of the county municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law;

(2.) For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures, within twenty years, with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest, which debentures the respective municipal councils, warden, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively: Provided, that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

If by-law defeated, limits of time for submitting similar one.

**11.** In case the by-law submitted is not approved of, no other by-law which is in substance the same, shall be submitted to the voters of the same municipality or portions of the county municipality, until after the expiration of six months from such rejection.

If by-law carried, council to pass the same,

**12.** In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same, shall read the said by-law a third time and pass the same.

and issue the debentures.

**13.** Within one month after the passing of such by-law the said council, and the warden, reeve or other officers thereof, shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

**14.** The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

Corporation may exchange their debentures for those of the townships.

**15.** Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor, shall within six months after passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided, that if the said Council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

Trustees for municipal debentures.

**16.** The said trustees shall receive the said debentures or bonds in trust: firstly, under the direction of the company, to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks, having an office in this Province, in the name of "The Victoria Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule A hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for is in pursuance of the terms and conditions of the by-law; and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

Trusts on which debentures are to be held.

**17.** The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees to be as valid and binding as if the three had agreed.

Trustees' fees. Act of two to govern.

Municipal  
Directors.

**18.** Any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality; and such director shall be in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

Company may  
receive gifts of  
lands.

**19.** Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Municipalities  
may exempt  
Company from  
taxation.

**20.** It shall further be lawful for the council of any municipality in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, or by way of commutation or composition for payment; or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Council may  
extend time.

**21.** It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonuses.

Councils may  
contribute  
towards preliminary  
expenses.

**22.** It shall be lawful for the council of any township or county municipality interested in the said extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all, or part of the costs, charges and expenses of, and incidental to the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses; Provided always that no one such bonus shall exceed five thousand dollars.



**23.** Whenever any municipality or portion of a municipality shall aid, loan, guarantee or give money or bonds by way of bonus to aid the making, equipment, and completion of said extension and branches, or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same.

Municipalities may agree as to application of bonus.

**24.** The foregoing sections of this Act shall apply so far as the same can be made applicable to any District or Provisional County to be formed out of any part of the Counties of Peterboro' and Victoria and the district of Nipissing, or to any minor municipality or sections thereof in such District or Provisional County; and in any such case it shall not be necessary in any by-law to set out the amount of the ratable property; and it shall not be necessary that in any minor municipality or the section thereof proposed to be grouped, containing less than fifty resident freeholders that the petition should be signed by any person in respect of such municipality or section, but no such petition shall be presented or acted upon without the consent of the Lieutenant-Governor in Council, as to such municipality or section.

Application of foregoing sections to Provisional counties.

**25.** The shareholders of the company may by resolution come to at the annual or any meeting of shareholders specially called for the purpose, give the directors appointed by the shareholders, power to sell stock of the company at reduced rates, to allot and hand over paid up stock and bonds of the company in payment of right of way, plant, rolling stock or material of any kind; and also, for the services of contractors, engineers and other persons, whether directors or not, who may be or may have been engaged in promoting the construction, equipment and undertaking of the said railway; provided, that no allowance shall be made to directors without the express sanction of the shareholders, and that directors not appointed by the shareholders shall not interfere in the issue or sale of stock or bonds of the company.

Payments may be made in stock and bonds.

**26.** And whereas the shareholders of the company have unanimously resolved that the interests of the company would be best promoted by giving the company power to enable one or more of the directors to act for the company in several particulars, be it enacted that it shall be lawful for the said company with such consent to give such power.

The company may delegate powers to one director.

**27.** The fourteenth section of chapter sixty of the Act passed in the thirty-fifth year of Her Majesty's reign, is hereby amended by exempting the company from any obligation to carry cordwood from any township, or portion of township which may not have given aid by way of bonus acceptable to the said company;

Section 14 of chapter 60, 35 Vic., amended.  
Cordwood.

pany; and such aid shall be conclusively taken to be acceptable if it has been accepted by the company.

Expenditure  
on line be-  
tween Lindsay  
and Kinmount  
or Haliburton.

**28.** It shall be lawful for any of the municipal corporations and the said company to make any agreement by which the bonus given by such municipality may be expended on any part of the line between the Town of Lindsay and the Village of Kinmount or of Haliburton, and in case any such agreement should alter in this respect any existing by-law, the same shall be ratified by the voters qualified to vote thereon under the provisions of the Municipal Act for the creation of debts.

Commencement  
and comple-  
tion of railway.

**29.** The failure of the said Company to commence the construction of the said railway within the time limited in chapter sixty of the statutes passed by the Legislature of the Province of Ontario in the thirty-first year of the reign of Her present Majesty, shall not operate as a forfeiture of the charter; and the times for commencing and completing the construction of the said railway is hereby extended to two and four years, respectively, from the time of the passing of this Act.

## SCHEDULE A.

(Section 16.)

### CHIEF ENGINEER'S CERTIFICATE.

THE VICTORIA RAILWAY COMPANY'S OFFICE

ENGINEER'S DEPARTMENT, A.D. 18

No.

*Certificate to be attached to cheques drawn on The Victoria Railway Municipal Trust Account.*

I, \_\_\_\_\_, Chief Engineer for the Victoria Railway Company, do hereby certify, that the sum of \$ \_\_\_\_\_ is required to be expended in the construction of the portion of the line extending from mile No. \_\_\_\_\_ to mile No. \_\_\_\_\_, and that payment should be made to the company of such amount from the Municipal Trust Account, the same being in pursuance of the terms and conditions of the By-law of the Municipality of the \_\_\_\_\_ of \_\_\_\_\_.

## CAP. LXIV.

An Act to extend the time for the completion of the Sandwich and Windsor Passenger Railway.

[Assented to 24th March, 1874 ]

**W**HEREAS the Sandwich and Windsor Passenger Rail- Preamble.  
way Company have petitioned for an extension of the time granted by their Act of incorporation for completion of their road, and the allowance of such extension of time is expedient :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The period within which the said road and its extension Time for com-  
to Walkerville, provided for by the Act of Incorporation of the  
said Company, was to have been completed, shall be, and the  
same is hereby extended for two years from the passing of this  
Act. pletion of road  
extended.

## CAP. LXV.

An Act to incorporate the Municipality of Haliburton, and to provide for its becoming a Provisional County.

[Assented to 24th March, 1874.]

**H**ER Majesty, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Townships of Lutterworth, Anson and Hindon, Formation of  
in the County of Victoria, the Townships of Snowdon, municipality  
Glamorgan, Monmouth, Cardiff, Minden, Dysart, Dudley, of district of  
Harcourt, Stanhope, Guilford, Harburn and Bruton, in the Haliburton.  
County of Peterborough, and the Townships of Sherborne, Havelock, Eyre, Clyde, McClintock, Livingstone, Lawrence and Nightingale, in the temporary judicial District of Nipissing, are hereby erected into a municipality to be called "The Municipality of the District of Haliburton."

2. The inhabitants of the said municipality shall be, and Corporation  
become erected into a municipal corporation to be called formed,  
"The Municipal Corporation of the District of Haliburton," appointments  
and the said municipality and the council thereof shall have of officers, &c.  
and



and possess all the rights, powers, liabilities and incidents of a county corporation and county council for the purposes in this section mentioned, and not otherwise, and the Municipal Law and Statutes of Ontario, applicable to counties and county councils, and the members of such councils, including the proper conduct of the meetings of council, the election of a warden, the appointment of other necessary officers and servants, and the duties of such warden, members, officers, and servants, so far as may be required to enable such municipality or any portion thereof, to grant a bonus or bonuses to aid any railway company in the construction of whose road such municipality, or such portion, may be interested, and also to issue debentures therefor, and to raise by taxation within such municipality or such portion thereof, the necessary funds to meet the debentures, shall, subject to the conditions and limitations hereinafter mentioned, apply to the said municipality of the district of Haliburton, and to the council, warden, members, officers, and servants thereof, unless when inconsistent with this Act.

Vote as to formation of provisional county, and the county to which to be united for judicial purposes.

3. A vote of the ratepayers of the several townships within the said municipality, shall be taken upon Wednesday the twenty-seventh day of May next, upon the question of the formation of a provisional county, and as to the county to which the municipality shall be united for judicial purposes; which vote shall be, as nearly as may be, taken at the same places and in the same manner as votes are taken for the election of councillors, and shall be recorded in books prepared for that purpose; each voter in favour of such formation voting "yea" and each voter against such formation voting "nay;" each voter whether voting yea or nay, shall also state whether he prefers a judicial union with Peterborough or with Victoria, or if he has no preference shall state the fact, and such statement shall be recorded in like manner, and in separate columns. In case the township councils which now have jurisdiction over the said townships, do not within one month after the passing of this Act appoint returning officers to take the said votes, and the places at which the same shall be taken, it shall be lawful for the Lieutenant-Governor in Council to appoint the same. At least ten days' notice of the place or places appointed in each township union for the purpose of taking the vote therein shall be given in at least ten public places in such municipality.

Return of poll books.

4. The returning officers to take such votes for the respective municipalities shall, within ten days thereafter, return their poll books verified under oath to the Provincial Secretary for the information of the Lieutenant-Governor.

Formation of provisional county or territorial district, and annexation.

5. If it shall appear that a majority of the ratepayers voting at the said polling, have recorded their votes in favour of the formation of a provisional county, the Lieutenant-Governor may issue his proclamation declaring that from and after a time to be named in the said proclamation, the said townships shall be

be a provisional county, and the inhabitants thereof a provisional county corporation, and the proclamation shall also name a time and place at which the first meeting of the provisional county council shall be held. If it shall appear that the majority aforesaid have recorded their votes against the formation of a provisional county, the Lieutenant-Governor may issue his proclamation declaring that from and after a time to be mentioned therein, the said townships shall be a territorial district. In either case, the Lieutenant-Governor, by his said proclamation shall, in accordance with the result of the polling, attach the district or provisional county, as the case may be, to the County of Peterborough, or the County of Victoria.

6. If the said municipality is formed into a provisional county, then in case it is united, for judicial purposes with the County of Peterborough then the Townships of Lutterworth, Anson and Hindson shall become detached for all purposes from the County of Victoria; but in case the said provisional county is united, for judicial purposes, with the County of Victoria, then the Townships of Snowdon, Glamorgan, Monmouth, Cardiff, Minden, Dysart, Dudley, Harcourt, Stanhope, Guilford, Harburn, and Bruton shall become detached for all purposes from the County of Victoria.

Detachments  
of certain  
townships on  
formation of  
provisional  
county.

7. If the said municipality is formed into a territorial district, the territory within the said district now attached for municipal purposes to the Counties of Peterborough and Victoria respectively shall for such purposes remain attached to such counties, but shall for all judicial purposes, except those herein otherwise provided for, be and form part of the county to which the municipality is by the said proclamation attached.

Attachment of  
territory to  
counties on  
formation of  
territorial  
district.

8. Upon such district or provisional county being formed, or upon the Lieutenant-Governor issuing his proclamation, declaring that this section shall go into effect, the townships of Cardiff and Monmouth now united with the townships of Burleigh, Anstruther, and Chandos, shall become separated therefrom, and the Township of Glamorgan shall become separated from the Township of Snowdon, and the said Townships of Glamorgan, Cardiff, and Monmouth shall form a separate municipality under the name of the United Townships of Glamorgan, Cardiff and Monmouth, and the election for the first Council thereof shall be held at such times and places and by such returning officer as the Lieutenant-Governor by his proclamation shall appoint.

United Town-  
ships of Gla-  
morgan, Car-  
diff and Mon-  
mouth.

Election of  
first council

9. Upon the formation of the provisional county, all the rights, duties and liabilities of "The Municipal Corporation of the District of Haliburton," shall become the rights, duties and liabilities of the provisional county corporation.

Rights and  
liabilities of  
the district of  
Haliburton  
transferred.

Rights, liabilities and powers of the provisional county corporation and council.

**10.** The said provisional county and the corporation and council thereof, shall have and possess respectively, all the rights, powers, liabilities and incidents of a county, county corporation and county council; and the Municipal Law and Statutes of Ontario, applicable to counties, county corporations and county councils, and the members of such councils, shall apply to the said provisional county, unless where inconsistent with this Act.

Powers to aid railways.

**11.** The authority of the corporation of the said district, or of the said provisional county, to grant aid to any railway company is hereby limited to such companies as by their special acts are authorized to apply for such aid, and the same shall be granted under and subject to such authorities and provisions as may be contained in the special Act under which the application is made; Provided that no by-law for granting aid by way of bonus or otherwise to any railway company, shall be valid, unless after one month of its being duly passed according to the Municipal Law, the by-law is approved by the Lieutenant-Governor in Council; Provided also, that it shall not be necessary in any such by-law to set out the amount of ratable property.

Composition and meetings of the council.

**12.** The reeves and deputy-reeves of the municipalities within the district or provisional county, shall compose the council thereof; and the meetings of the council shall be held at such place within the county as the Lieutenant-Governor may name as the place where the registry office shall be kept.

Annexation for certain judicial purposes to county of Peterborough or Victoria.

**13.** The said district or provisional County of Haliburton, shall for judicial purposes, not provided for by this Act, be united to, and form part of the County of Peterborough, or of the County of Victoria, as the Lieutenant-Governor may, by his proclamation in manner aforesaid, declare; and the various provisions of the law as to the holding of courts, except division courts, and as to the officers of such courts, and respecting judicial process and proceedings, including the selection of jurors, applicable to unions of counties, shall apply to the said judicial union unless where inconsistent with this Act.

Justices of the peace.

**14.** Justices of the peace heretofore appointed for the County of Peterborough, for the County of Victoria, or for the District of Nipissing, respectively, who at the time of the formation of the district or provisional county reside within the district or provisional county of Haliburton, shall thereafter be justices of the peace for the district or provisional county of Haliburton, and shall not act as justices of the peace for the County of Peterborough, or Victoria, or for the District of Nipissing, except that the justices of the peace of the county to which the district or provisional county may be attached, shall thereafter, when sitting in the General Sessions of the Peace, have jurisdiction in Haliburton; and save as aforesaid, no justice of the peace of either of the said Counties of Peterborough



borough or Victoria shall, as such, have any jurisdiction within Haliburton. The justices of the peace for Haliburton shall be entitled to sit in the general sessions, held for the said judicial union.

**15.** The Lieutenant-Governor may from time to time appoint in and for the said district or provisional county, a fit and proper person to be stipendiary magistrate thereof, who shall hold office during pleasure, and shall be *ex-officio* a justice of the peace for the said district or provisional county; and shall have the jurisdiction and authority of two justices of the peace therein, and shall exercise within such district or provisional county magisterial, judicial and other functions herein expressed or provided for, and shall reside in such place within the said district or provisional county, as the Lieutenant-Governor may direct; and it shall not be necessary for the said magistrate to possess any property qualification. The provisions of sections seven, eight, ten, eleven and twelve of chapter one hundred and twenty-eight of the Consolidated Statutes for Upper Canada, intituled "An Act respecting the Administration of Justice in unorganized tracts," shall extend and apply to the said district and provisional county.

Stipendiary magistrate, powers, residence, qualification.

C. S. U. C., cap. 128, ss. 7, 8, 10, 11, 12, to apply.

**16.** The oath to be taken by the stipendiary magistrate, in addition to his oath of office as a Justice of the Peace, shall be as follows:

Oath of stipendiary magistrate.

"I (A. B.) do swear that I will truly and faithfully execute "without fear, without favour and without malice, the several "powers, duties and trusts committed to, or required of me by "the Act to provide for the organization of the territorial district (or Provisional County) of Haliburton; So help me God."

**17.** The Lieutenant-Governor may from time to time direct a suitable building to be provided by the Commissioner of Public Works, in the said district or provisional county, for the safe custody of prisoners charged with crime or convicted of any offence; and the building so provided shall be deemed the common gaol of the judicial union, and of the said district or provisional county for the safe custody of persons, charged or convicted as aforesaid, before any justice of the peace of the said district or provisional county; but offenders, fully committed for trial, for offences for which they cannot be tried by the stipendiary magistrate, or who have been sentenced to confinement for a longer period than one month, shall be committed to and confined in the common gaol of the union at Peterborough or Lindsay, as the case may be, or other lawful prison to which they are sentenced, and the commitment or sentence shall be an authority to the gaoler of the common gaol, in the said district or provisional county, to detain any offender mentioned therein, until he is removed to the gaol at Peterborough or Lindsay, or other lawful prison; but an offender, whose removal to another gaol or prison is required, shall not be detained in the gaol in Haliburton

Erection of gaol.

Certain offenders to be confined in gaol at Peterborough or Lindsay.

Haliburton an unreasonable time, regard being had to the season of the year, and the practicability of travelling at the time of his commitment or sentence. A commitment to either of such gaols shall be a sufficient authority for the detention of a prisoner in the gaol to which he ought to have been committed, although such gaol is not the gaol expressed in the commitment.

Appointment  
of gaoler and  
constables;  
salary of  
gaoler.

**18.** The stipendiary magistrate shall have authority to appoint a gaoler and such constables as may be necessary; and the salary of the said gaoler, shall, after the formation of the provisional county, be provided by the Council, subject to the proper proportion thereof being repaid, according to the rule governing in other counties.

Trial by sti-  
pendiary  
magistrate, or  
commitment  
by him for  
trial.

**19.** In case the stipendiary magistrate has authority to try any prisoner confined in the gaol in Haliburton for the offence for which he is committed, he may cause him to be brought before him for trial, or for the purpose of electing whether he shall be tried before him, and may commit him to the gaol at the county town of the union, in the event of his electing not to be so tried, or may otherwise act, as the case may require.

Appeal from  
decision of a  
justice of the  
peace.

**20.** Where according to the general laws of this Province, an appeal lies from the decision of any justice or justices of the peace, to the general sessions of the peace, such appeal in cases arising in the said district or provisional county shall lie to, and may be brought before, and heard and determined by, the court of general sessions of the peace for the county to which the said territory may be attached, for judicial purposes, as aforesaid, and shall be claimed, and allowed, and prosecuted in the same manner and within the same period as if the same had arisen within the limits of the said county. No such appeal shall lie from any judgment or decision of the stipendiary magistrate.

No appeal  
from stipen-  
diary magis-  
trate.

Registry of  
chaattel mort-  
gages and bills  
of sale.

**21.** In case of any instruments mentioned in section seven, of chapter fourteen of the Consolidated Statutes for Upper Canada, intituled "An Act respecting mortgages and sales of personal property," being, after the said proclamation takes effect, made or executed within the said district or provisional county, or affecting personal property therein, the same shall be registered in the office of the clerk of the county court of the judicial union: and all returns of convictions required by law to be made by any justice of the peace for the said provisional county shall thereafter be made to the clerk of the peace for the said union.

Returns of  
convictions.

Registrar of  
deeds; regis-  
trations.

**22.** The Lieutenant-Governor may appoint a registrar of deeds, in and for the said district or provisional county, who shall hold office during pleasure; and after the first appointment has been published for one month in the *Ontario Gazette*, such registrar shall register all deeds and other conveyances and instruments relating to lands, situate in any part of the said district

district or provisional county, and laid out and surveyed by the Crown; but until such appointment has been made and published for one month in the *Ontario Gazette*, registrations shall be made as if this Act had not been passed.

**23.** The said registrar shall keep his office in a place to be named for that purpose in his commission, or at such other place as may be appointed from time to time by the Lieutenant-Governor in Council; and his duties shall be the same as the duties of other registrars under the registry laws of this Province; and his fees shall be the same as those appointed and established by such registry laws.

Registry office,  
fees, &c

**24.** The registrars of the counties of Peterborough and Victoria and of the District of Nipissing, when thereunto required by the Lieutenant-Governor, shall transfer and deliver to the registrar of the said district, or provisional county, all books, deeds, papers, plans and documents in their possession respectively, as such registrars, referring or relating exclusively to lands within the said district or provisional county; and all the provisions of the registry laws relating to the transfer of books, deeds, memorials, plans, wills, and other documents or instruments from one registry office to another registry office, when a part of a county has been detached therefrom, and set apart for registration purposes, shall apply to the establishment of the said registry office for the said district or provisional county of Haliburton.

Transfer of  
registry books,  
&c., from the  
counties of  
Peterborough,  
Victoria, and  
district of  
Nipissing.

**25.** After the formation of the provisional county it shall bear and pay to the municipal county of Peterborough or Victoria, as the case may require, its just share of all charges and expenses of repairing and maintaining the Court House and Gaol at the county town of the union, and of the care and maintenance of prisoners, and the other expenses of administration of justice, in the same manner as towns separated from the municipal jurisdiction of counties; and the provisions of the municipal law for the determination of the compensation to be paid, which are applicable between counties and separated towns, shall apply to the said municipal county and the said provisional county.

Contributions  
for expenses  
of Court House  
gaol of the  
County-town  
of the Union.  
Of administering  
justice, &c.

**26.** In case the provisional county council, and the county council of Peterborough, or the said provisional council and the county council of Victoria, are unable within six months after the formation of the provisional county, to determine by agreement for the distribution of their respective joint assets and liabilities, the same shall be determined by arbitration in the same manner and subject to the same rules as upon the separation of a junior from a senior county.

Arbitration as  
to contribution.

**27.** All judicial proceedings at the time of the formation of the provisional county pending in any portion of the territory comprised within the judicial union, may be proceeded with as if this Act had not been passed.

Pending judi-  
cial proceed-  
ings.

**28.**



Stipendiary  
Magistrates to  
act as Division  
Court Judges.

**28.** The stipendiary magistrate shall act as Division Court Judge of the district or provisional county, and shall have the like jurisdiction and powers as are possessed by county court judges in division courts in counties, and shall perform the like duties; and the provisions of law relating to division courts in counties and the officers thereof, shall apply to the division courts of the said district or provisional county, except where inconsistent with the Act.

Division  
Courts, limits  
of.

**29.** The division courts wholly within the limits of the district or provisional county shall continue division courts thereof, and territory belonging to a division court not wholly within the district or provisional county, shall continue to belong to such division court until a change is made under the next section.

Power to estab-  
lish and alter  
divisions of  
Division  
Courts.

**30.** The Lieutenant-Governor in Council may divide the district or provisional county into as many division court divisions as he may consider requisite, and may number the same consecutively, and may from time to time alter the number, limits and extent of every such division.

Times and  
places for  
holding Court  
in each divi-  
sion.

**31.** A court shall, unless the Governor in Council otherwise direct, be held in every such division once in every three months, or oftener at the discretion of the stipendiary magistrate, who may appoint, and may from time to time alter, the times and places within the divisions, when and at which such courts shall be holden, subject to the approval of the Lieutenant-Governor in Council.

Appeal from  
Court of Revi-  
sion to the  
Stipendiary  
Magistrate.

**32.** An appeal shall lie from the decision of the court of revision of any municipality within the district or provisional county of Haliburton to the stipendiary magistrate instead of to the Judge of the County Court; and the stipendiary magistrate shall have the like powers and shall perform the like duties in respect of such appeals as are performed by the County Court Judge in other counties.

Power to erect  
Court House  
gaol and regis-  
try office.

**33.** The council of the provisional county may acquire the necessary property at any place within the county that the council may determine on which to erect a court house, gaol and registry office, and may erect a court house, gaol and registry office thereon adapted to the wants of the county, and in conformity with any statutory or other rules and regulations respecting such buildings, and may pass by-laws for such purposes.

Power to  
appoint  
county judge,  
sheriff, coro-  
ners, clerk of  
the peace of  
county court,

**34.** After a sufficient court house, gaol and registry office have been built in such provisional county, the Lieutenant-Governor may, upon application of the council, require for the provisional county the appointment of a judge, and shall appoint a sheriff, a coroner or coroners, a clerk of the peace, a clerk

clerk of the county court, a registrar and at least twelve justices of the peace, and shall provide in the commissions that the appointments are to take effect on the day the county of Haliburton becomes disunited from the said judicial union.

registrar and justices of the peace.

**35.** After such appointments are made, the Lieutenant-Governor shall, by proclamation, erect the said provisional county into a county, and shall separate the provisional county from the County to which it may be then attached, and shall declare that such separation shall take effect at a day to be named in the proclamation, and on that day the courts and officers of the said union (including justices of the peace) shall cease to have any jurisdiction in the County of Haliburton, subject, however, to the exceptions in the next section continued.

Power to erect into a separate county.

**36.** The provisions of law, with reference to judicial proceedings, applicable in the case of a separation of a junior from a senior county, shall apply in the case of the said separation.

Judicial proceedings on separation.

**37.** This Act shall not affect the present territorial divisions of the Electoral Districts of Peterborough or Victoria for the purpose of representation in the Legislative Assembly.

Representation in the Legislative Assembly.

## CAP. LXVI.

### An Act relating to the incorporation of the Village of Clifford.

[Assented to 24th March, 1874.]

**W**HEREAS certain inhabitants and ratepayers of the Village of Clifford, in the County of Wellington, by their petition represent that the by-law hereinafter mentioned was duly passed by the Council of the Corporation of the County of Wellington on the fifth day of December, in the year of our Lord, one thousand eight hundred and seventy-three, and that thereafter an election of a Reeve and Councilors was held, and a council for the said village organized; And whereas, doubts exist as to the time when the incorporation of the said village should take effect, and it is desirable to remove such doubts:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** By-law number one hundred and thirteen, passed by the Corporation of the County of Wellington, a copy of which is set out in the schedule to this Act annexed, marked "A," is declared to have taken effect, upon from and after the ninth day of

By-law number 108 of Wellington, to be valid, from 9th Dec., 1873.

of December, one thousand eight hundred and seventy-three ; and the Village of Clifford is declared to have been an incorporated village from and after that date, and by the name of the Village of Clifford.

Election of  
Reeves and  
Councillors  
legalized.

2. The election of Absalom Shade Allan, as Reeve, and of Byron Crandell, Donald McEachearn, John Hillhouse, and Kenneth McLeod Walton, as Councillors for the said Village of Clifford, held on the fifth day of January, one thousand eight hundred and seventy-four, in the said village, is hereby legalized,

---

“ A ”

THE CORPORATION OF THE COUNTY OF WELLINGTON.

(*By-law No. 113.*)

A. By-law to erect the unincorporated Village of Clifford and neighbourhood into an incorporated village, apart from the Township of Minto, in the County of Wellington, in which the same are situated, and for other purposes.

Whereas, by a census return taken under the direction of the Council of the County of Wellington, it has been shown that the unincorporated Village of Clifford, in the County of Wellington, and its immediate neighbourhood, as hereinafter described, and also in the said county, contains eight hundred and twenty-five inhabitants, and that the residences of such inhabitants are sufficiently near to form an incorporated village ; And whereas, a petition has been presented to the council of the said county, signed by over one hundred of the freeholders and householders of the said village and neighbourhood, of whom not less than fifty are freeholders, praying that a by-law may be passed by the council of the said county erecting the said village and neighbourhood into an incorporated village, apart from the Township of Minto, in the said county in which the same are situated, and with the name of the Village of Clifford, and with the boundaries hereinafter mentioned ; And whereas it is expedient to pass a by-law for the purposes aforesaid ; And whereas, the limits of the said Village of Clifford and neighbourhood, as described by the boundaries hereinafter mentioned, do not exceed an area of five hundred acres of land ;

Therefore the Corporation of the County of Wellington, by the Council thereof, and under the authority in it in that behalf invested, enacts as follows :—

1. The unincorporated Village of Clifford and its neighbourhood, and being the parts of the Township of Minto, in the said County of Wellington, described as follows, that is to say : Lots numbers fifty-eight, fifty-nine, sixty, and the northeasterly eighty acres of lot number sixty-one in concession D, and the  
south



south westerly fifty acres of each of lots numbers fifty-eight, fifty-nine, sixty, and sixty-one in concession C, all lying within the original survey of the Township of Minto, portions of which have been sub-divided into village and park lots, and which contain by admeasurement four hundred and ninety-three acres, be the same more or less, shall be, and the same are hereby erected into an incorporated village, apart from the said Township of Minto, by the name of the Village of Clifford.

2. It is hereby declared that the outside boundaries of the said original township lots and half lots as aforesaid, shall be the boundaries of the said incorporated Village of Clifford.

3. The first election for a Reeve and Councillors for the said incorporated village shall be held at Dopfers' Hall, in the said Village of Clifford.

4. And David Mollison, of the said village, is hereby named and appointed as Returning Officer, to hold the said election in said incorporated village.

This by-law shall take effect upon, from and after the ninth day of December, A.D. one thousand eight hundred and seventy-three.

(Sigd.) John Beatie, Clerk.

(Sigd.) John Mair, Warden.

## CAP. LXVII.

An Act to Incorporate the Village of Hastings, and to annex the same to the County of Northumberland.

[Assented to 24th March, 1874.]

**W**HEREAS a majority of the freeholders and householders Preamble. of the Village of Hastings have by their petition, set forth that it would greatly conduce to the benefit of the said Village to be incorporated and annexed to the County of Northumberland;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The Village of Hastings is hereby declared to consist of the following parcels of land, with the intervening roads, streets and highways, that is to say, the west halves of lots numbers four and five in the eighth concession, and the east halves of lots numbers three, four and five in the seventh concession of the Township of Asphodel, and lots numbers thirteen, fourteen and fifteen in the twelfth concession of the Township of Percy. Limits of the Village of Hastings.

Village annexed to County of Northumberland.

2. The said village is hereby annexed to and made a part of the County of Northumberland, one of the united Counties of Northumberland and Durham.

Incorporation.

3. The inhabitants of the said village are hereby constituted a body corporate apart from the Townships of Asphodel and Percy, in which the same are situated, by the name of the Corporation of "The Village of Hastings."

Corporate name.

Municipal Act to apply.

4. Except as herein specially provided all the provisions of the Act passed in the last session of the Legislature of this Province, intituled "An Act respecting Municipal Institutions in the Province of Ontario," are hereby declared to apply to the said village, in the same manner and to the same extent in all respects as if the said village had been incorporated under the provisions of the said Act.

First election of Reeves and Councillors.

5. David Morrison, of the said village, is hereby appointed the Returning Officer, to hold the first election of Reeve and Councillors for the said village, and he shall immediately after the passing of this Act, and after giving one week's written notice thereof, posted up in three conspicuous places in the said village, hold a public meeting of the electors of the said village, at the hour of noon, at the Union School House in the said village, for the nomination of candidates for the office of Reeve and Councillors for the said village, and in case a poll shall be demanded, such poll shall be held at the said School House on the same day of the week next following the said nomination.

First meeting of Council.

6. The Reeve and Councillors so to be elected shall hold their first meeting, at the said School House, at the hour of noon, on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination.

Rights and powers of Village.

7. Thereafter the said village shall have all the rights, powers and privileges of incorporated villages in Ontario, and shall be subject to and governed by the same laws as are now or may hereafter be in force respecting such incorporated villages.

Completion of Assessment Roll for this year.

8. The Assessor or Assessors to be appointed by the Council of the said village, shall have till the first day of May next to complete the assessment roll of the said village for the present year.

Adjustment of Municipal Loan Fund moneys between the Village and Township of Asphodel.

9. The said village shall be entitled, notwithstanding this Act, to receive from the Township of Asphodel, and the Township of Asphodel shall pay over to the said village, such proportion of any moneys to be received by such township, under the provisions of the Act of the last session of the Legislature of this Province, intituled "An Act respecting the Municipal Loan Fund Debts and respecting certain Payments to Municipalities," as the

the number of the inhabitants of that part of the said township made part of the said village, bore to the number of the inhabitants of the whole of the said township by the census of one thousand eight hundred and seventy-one, and, in case such proportion cannot be agreed upon, the same shall be settled by arbitration, in the manner provided by law for arbitrations between municipalities.

10. Nothing herein contained shall have the effect of detaching that part of the Township of Percy made part of the said village from the East Riding of the County of Northumberland, for the purpose of parliamentary elections; nor of detaching that part of the Township of Asphodel made part of the said village from the East Riding of the County of Peterborough, for the like purpose.

Township of  
Percy.

Township of  
Asphodel.

11. The clerk of the said village shall in each year, in the manner and by the time required by law, make out and complete a separate voters' list of all persons entitled to vote at parliamentary elections in that part of the Township of Percy, made part of the said village; and shall deliver a duplicate original thereof to the Clerk of the Peace of the united Counties of Northumberland and Durham; and shall, in like manner and by the like time, make out and complete a separate voters list of all persons entitled to vote at parliamentary elections in that part of the Township of Asphodel, made part of the said village; and shall deliver a duplicate original thereof to the Clerk of the Peace of the County of Peterborough; and so far as this Legislature has jurisdiction, the said parts of the said Village of Hastings, situate in the Township of Percy and Asphodel respectively, shall each constitute an electoral division in parliamentary elections of said townships respectively.

Clerk to make  
separate  
voters' list for  
Percy and  
Asphodel.

## CAP. LXVIII.

### An Act to incorporate the Town of Meaford.

[Assented to 24th March, 1874.]

WHEREAS the unincorporated Village of Meaford, in the Township of St. Vincent, in the County of Grey, has a population of one thousand five hundred or thereabouts: And whereas the population of the said village is increasing and will continue to increase in consequence of it being the terminus of the North Grey Railway, and from other causes: And whereas the inhabitants of the said village have by their petition represented that they are desirous of having the said village incorporated as a town, in order the better to enable them to

Preamble.



carry out certain necessary improvements which can be more readily effected under the powers granted to town incorporations: And whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Incorporation.**

**1.** From and after the passing of this Act the inhabitants of the said Village of Meaford shall be and they are hereby constituted a corporation or body politic, under the name of "The Corporation of the Town of Meaford," apart from the Township of St. Vincent in which it is situate, and shall enjoy and have all the rights, powers, and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws of the said Province.

**Boundaries**

**2.** The said Town of Meaford shall comprise and consist of all that part of the said Township of St. Vincent described as follows:

Starting from the Lake Shore and continuing westerly along the centre line of eighteen and nineteen side road to the north-west corner of the east half of lot eighteen in the sixth concession; thence southerly and following the division line of the east and west halves of lots eighteen, seventeen, sixteen, fifteen and fourteen in the sixth concession to the south-west corner of the east half of lot fourteen in the said sixth concession; thence easterly along the division line between lots thirteen and fourteen, across the fifth and fourth concessions to the south-east corner of lot fourteen in the fourth concession; thence northerly along the division line between the third and fourth concessions to the Lake Shore, and continuing on same course till a depth of twenty feet of water is found; thence following the Lake Shore (but at such a distance therefrom as to include within the limits of said incorporation a depth of twenty feet of water) to the intersection with the centre line of eighteen and nineteen side road produced easterly from the place of beginning, and comprising within said limits the broken fronts of lots fourteen, fifteen and sixteen in the fourth concession, lots fourteen, fifteen, and the broken fronts of lots sixteen, seventeen and eighteen in the fifth concession, and the east halves of lots fourteen, fifteen, sixteen, seventeen and eighteen in the sixth concession.

**Wards.**

**3.** The said Town of Meaford shall be divided into three Wards, to be called respectively East Ward, West Ward, and North Ward:

**East Ward.**

(1) East Ward shall be composed of that part of the said town described as follows:—

Commencing at the Lake Shore and continuing southerly along the division line between the third and fourth concessions to the south-east corner of lot fourteen in the fourth concession ;  
thence

thence westerly along the division line between lots thirteen and fourteen in said fourth concession to the intersection of said division line with the centre of the fourth and fifth concession line; thence northerly along centre of said fourth and fifth concession line to the intersection of the centre line of Edwin Street; thence along centre line of Edwin Street to the intersection of centre line of Seymour Street; thence along the centre line of Seymour and Sykes Street to the intersection of centre line of Nelson Street; thence easterly along centre line of Nelson Street to the middle of Bighead River; thence following centre of Bighead River and the Lake Shore, as before described, to intersection with division line between third and fourth concessions produced from place of beginning:

(2) West Ward shall be composed of that part of the said West Ward. town described as follows:

Commencing at the intersection of Nelson and Sykes Street and continuing westerly along the centre line of Nelson Street produced to the division line between the east and west halves of lot sixteen in the sixth concession; thence southerly along the division line between the east and west halves of part of lot sixteen, and of lots fifteen and fourteen in the said sixth concession to the south-west corner of the east half of lot fourteen; thence easterly along the division line between lots thirteen and fourteen to the intersection of said line with the centre of the fourth and fifth concession line; thence northerly along the centre of the said fourth and fifth concession line to the intersection of the centre line of Edwin Street; thence along centre line of Edwin Street to intersection of centre line of Seymour Street; thence following centre line of Seymour and Sykes Street to the place of beginning:

(3) North Ward shall be composed of that part of the said North Ward. town described as follows:

Commencing at the intersection of the centre of Nelson Street with the middle of Bighead River, and continuing westerly along said centre line of Nelson Street produced to the division line between the east and west halves of lot sixteen in the sixth concession; thence northerly along the division line between the east and west halves of part of lot sixteen, and of lots seventeen and eighteen in the said sixth concession, to the north-west corner of the east half of lot eighteen in the said sixth concession; thence easterly along the south side of eighteen and nineteen side road to the Lake Shore, thence produced and following the Lake Shore as before described, and continuing up the centre of Bighead River to the place of beginning.

**4.** After the passing of this Act it shall be lawful for John Albery, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, reeve and councillors at the town hall in the said Town of Meaford, at the hour of noon on the day appointed by law for holding the municipal elections for towns, of which he shall give at least one week's notice in the two newspapers published in the said town, and by

Polling.

a like notice in writing posted up in at least two of the most public places in each of the wards of the said town; and the said John Albery shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election shall be held on the day for holding municipal elections for towns according to law, and the returning officer or chairman shall, at the close of the nomination, publicly announce the place in each ward at which the polling shall take place.

Deputy-re-  
turning offi-  
cers.Powers and  
duties of re-  
turning officer.

5. The said returning officer shall, by his warrant, appoint a deputy returning officer for each of the wards into which the said town is divided; and such returning officer and each of such deputy returning officers shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act; and the said returning officer shall have all the powers and perform the several duties devolving on town clerks with respect to municipal elections in towns.

Clerk of St.  
Vincent to fur-  
nish copy of  
assessment  
roll &c.Copies to be  
furnished to  
deputy return-  
ing officers.

6. The clerk of the said Township of St. Vincent and any other officer thereof shall, upon demand made upon him by the said returning officer, or any other officer of the said town, or by the chairman hereinbefore mentioned, at once furnish such returning officer, officer or chairman, with a certified copy of so much of the last revised assessment roll for the said village and township as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or with the collector's roll, document, statement, writing or deed, that may be required for that purpose: And the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Council, of  
whom to be  
composed.

Elections.

Powers, lia-  
bilities, &c.

7. The council of the said town to be elected in manner aforesaid, shall consist of a mayor, who shall be the head thereof, a reeve and nine councillors, three councillors being elected for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling; or, if there be no polling, on the same day of the week next following the week of nomination; and subsequent elections shall be held in the same manner, as in towns incorporated under the provisions of the municipal laws of Ontario; and the said council and their successors in office shall have, use, exercise, and enjoy all the powers and privileges vested by the said municipal law in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.



8. The several persons who shall be elected or appointed under this Act shall take the declarations of office and qualification now required by the municipal laws of Ontario, to be taken by persons elected or appointed to like offices in towns. Declaration of office and qualification.

9. At the first election of mayor, reeve and councillors for the said Town of Meaford, the qualification of electors and that of the officers required to qualify shall be the same as that required in townships by the municipal laws of Ontario; and the qualifications of mayor shall be the same as that of a reeve in a township. Qualification of electors and officers.

10. From and after the holding of the first election under this Act, the said Town of Meaford shall cease to form part of the Township of St. Vincent, and shall in all respects be a separate and independent municipality, with all the rights, powers and privileges, and jurisdiction of an incorporated town in Ontario. Town to be separated from township of St. Vincent.

11. The council of the said Town of Meaford shall be entitled to recover from the said Township of St. Vincent such share of all moneys on hand, due, owing and of right collectable by and belonging to the said township at and prior to the said time of incorporation, or thereafter, if entitled thereto, as shall bear such proportion to the whole as the amount of the assessed property within the limits of the said town as shown by the collector's roll of the year one thousand eight hundred and seventy-three, bears to the whole amount of the assessed property of the said Township of St. Vincent, each to each; and the said town shall be liable to pay to the said township a share in the same proportion of all debts and liabilities existing against the said township at the time this Act shall come into force, as the same shall become due, and which are fairly and equitably chargeable against the said town; and in case of dispute the share to be borne by each respectively shall be ascertained and settled under the provisions of the municipal laws of Ontario. Rights and liabilities as between the town and township.

12. The expenses incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town, or otherwise, shall be borne by the said town and paid by it to any party that may be entitled thereto. Expenses of assessment for this year, and of furnishing documents, &c.

## CAP. LXIX.

## An Act to incorporate the Village of Meritton.

[Assented to 24th March, 1874.]

## Preamble.

**W**HEREAS the inhabitants of the unincorporated Village of Meritton, in the Township of Grantham, in the County of Lincoln, have, by their petition, represented that by reason of its close proximity to the works being carried on upon the Welland Canal, and from the continual rapid increase in the population of the said Village, it is desirable that the said Village be incorporated; and it is expedient to grant the prayer of the said petition :

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

## Incorporation of the village of Meritton.

**1.** On and after the passing of this Act, the inhabitants of the said Village of Meritton, comprised within the boundaries hereafter mentioned, shall be, and they are hereby constituted a corporation or body politic, under the name of "The Corporation of the Village of Meritton," apart from the Township of Grantham, in which the said Village is situated, and shall enjoy all such rights, powers, and privileges as are now, or shall hereafter be conferred upon incorporated villages in the Province of Ontario.

## Boundaries of village.

**2.** The said Village of Meritton shall comprise and consist of the following lots and parts of lots—that is to say :

"Commencing at a point where the Welland Railway intersects the road allowance between the seventh and eighth concessions of the Township of Grantham, on the western boundary of the said Railway, thence southerly and easterly along the western boundary of said Railway, to the intersection with the road allowance between the Counties of Lincoln and Welland; thence westerly along said road allowance, to the dividing line between lots numbers twelve and thirteen of the said Township; thence northerly along said dividing line, produced to a point four hundred feet west from the westerly boundary of the Welland Canal Lands; thence on a northerly course, at the distance always of four hundred feet west of the western boundary of the Welland Canal Lands, to the said road allowance between the seventh and eighth concessions; thence easterly along said road allowance to the place of beginning."

## First election of Reeve and Councillors.

**3.** Immediately after the passing of this Act, it shall be lawful for James H. Bessey, clerk of the Township of Grantham, who is hereby appointed the Returning Officer, to hold the nomination for the first election of Reeve and Councillors at the School-house, in the said Village, at the hour of noon; and he shall give  
one

one week's notice thereof, posted up in at least three conspicuous places in the said Village; and he shall preside at such nomination, or, in case of his absence, the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer; and the polling for the said election, in the event of there being a poll required, shall be held on the same day of the week, in the week next following the said nomination; and the duties of the Returning Officer shall be those prescribed by law with respect to incorporated villages.

4. At the first election of Reeve and Councillors, the qualification of the electors and of the Reeve and officers shall be the same as that required in townships; and at all subsequent elections the qualification of electors, and of the Reeve, Councillors, and other officers shall be the same as that required in incorporated villages.

Qualifications of electors, Reeves and officers.

5. The Township Clerk, of the Township of Grantham, shall furnish to the Clerk of the Corporation of the Village of Meritton, when demanded by him, a certified copy of so much of the last revised assessment rolls of the Township of Grantham, as show the persons assessed and the amount of such assessment, within the limits of the Corporation of the Village of Meritton; and the rate to be imposed by the Corporation of the Village of Meritton for the year one thousand eight hundred and seventy-four, shall be based upon the assessment so furnished by the Clerk of the Township of Grantham.

Clerk of Grantham to furnish copies of assessment rolls to clerk of Meritton.

6. The last revised assessment roll of the Township of Grantham, for the year one thousand eight hundred and seventy-four, so far as the same relates to the Corporation of the Village of Meritton shall, until the assessment shall be made in the year one thousand eight hundred and seventy-five, and the roll finally revised by the last mentioned Corporation, be taken to be the roll for any future election, either municipal or parliamentary, in the said Corporation of the Village of Meritton.

What assessment roll is to be used at elections.

7. All provisions of the Municipal Institutions Act of Ontario, so far as the same relate to the incorporation of villages, shall be taken to apply to the Corporation of the Village of Meritton, the same as if the said Village had been incorporated under the said Act.

Municipal Act to apply to this Act.

8. The Corporation of the Village of Meritton shall be entitled to its share of the moneys payable under the Act, intituled "An Act respecting the Municipal Loan Fund Debt, and respecting certain payments to Municipalities," in the same manner as if the said Village had been incorporated prior to the passing of the said Act.

Village to have its share of Municipal Loan Fund.



Expenses of  
assessment to  
be borne by  
the village.

9. The expenses of any assessment for the present year, so far as the same relates to assessments made within the limits of the Corporation of the Village of Meritton, and the expenses incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matter whatsoever required of the Corporation of the Township of Grantham, shall be borne and paid by the Corporation of the Village of Meritton.

## CAP. LXX.

### An Act to confirm the incorporation of the Village of Wingham.

[Assented to 24<sup>th</sup> March, 1874.]

reamble.

WHEREAS the County Council of the County of Huron, the Council of the Township of Turnberry, and the inhabitants of the Village of Wingham, have severally presented petitions from which it appears that the said County Council had duly passed a by-law, dated the fifth day of December, one thousand eight hundred and seventy-three, numbered by-law number eleven, one thousand eight hundred and seventy-three, constituting the Village of Wingham, in the Township of Turnberry, in the County of Huron, an incorporated Village, and defining the limits thereof, in the words and figures following, that is to say; Whereas, over one hundred resident freeholders, (one half of whom are freeholders of the unincorporated Village of Wingham, in the Township of Turnberry, in the County of Huron), have by petition to the Council of the County of Huron, requested that the said Village within the limits and boundaries hereinafter mentioned, may be erected into an incorporated Village apart from the said Township of Turnberry; And whereas by and under the direction of the County Council of the said County of Huron, a census has been taken by John Ansley, Esq., of the number of inhabitants comprised within the limits which are hereinafter described and provided to be erected into an incorporated Village, and by such census duly provided before the said County Council, it is shown that the said limits contain eleven hundred and twelve inhabitants: Be it therefore enacted by the Council of the Corporation of the County of Huron; and the said Council hereby enacts as follows:

1. That the following limits, that is to say, all that portion of the Town Plot of Wingham, and lots numbers one and two in the first concession of the Township of Turnberry in the County of Huron, described and bounded as follows, that is to say, commencing on the boundary line between the Townships of Morris and Turnberry, between lots numbers two and three,  
in

in the first concession of said Township of Turnberry, thence in a northerly direction between said lots number two and three, to what is now known as the B line, and which said B line is a continuation of North Street in the said town plot, as far as the same extends to the north east corner of said lot number two, in the said Township of Turnberry, thence westerly along the said continuation as above described, and said North street to Arthur Street in the said town plot and township; thence in a southerly direction along Arthur Street to where said street intersects the north branch of the River Maitland, thence through the middle and down said stream to where it meets, and up to the middle of the south branch of said River Maitland, thence through the middle and up said river to where it intersects South Street of the said Town Plot of Wingham; thence in an easterly direction along said South Street to place of beginning, containing in all about (480) four hundred and eighty acres, be erected and constituted an incorporated village, separate and apart from the Township of Turnberry, under and subject to the several provisions of the Act, respecting the Municipal Institutions of the Province of Ontario.

2. That the said village incorporated by this by-law is hereby incorporated by the name of Wingham.

3. That the first election for Reeve and Councillors for the Village of Wingham, shall be held in the school-house in the said village on the day and in the manner provided for the annual municipal elections of the Municipal Act of the Province of Ontario.

4. That Thomas Holmes, Esq., is hereby appointed the Returning Officer, to hold the said first election.

5. That this by-law shall take effect from and after the twenty-fifth day of December instant.

(Signed) ARCHIBALD BISHOP,  
Warden.

(Signed) PETER ADAMSON,  
County Clerk.

And that under the provisions of the said by-law, the free holders and householders of the said village entitled thereto proceeded to elect, and did elect a reeve and councillors for the year one thousand eight hundred and seventy-four;

That under section eighty-six of the Act respecting Municipal Institutions in the Province of Ontario, the first election under a by-law, erecting a locality into an incorporated village, should take place on the first Monday in January next after the end of three months from the passing of the by-law by which the change was made, and that until such day the change should not go into effect, and that it would be productive of great benefit to the petitioners to confirm the proceedings under the said by-law; And whereas it is expedient to grant the prayer of the said petitions;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law of  
County of  
Huron con-  
firmed.

1. The said recited by-law of the County Council of the County of Huron, incorporating the Village of Wingham, is hereby confirmed, as if the incorporation of the said Village had gone into effect on the twenty-fifth day of December, one thousand eight hundred and seventy-three.

Election of  
reeve and  
councillors  
confirmed.

2. The election of Reeve and Councillors for the Village of Wingham, had under the said by-law, are hereby confirmed, and the Reeve of the said Village of Wingham then elected, shall have a seat in the County Council for the County of Huron, for the year one thousand eight hundred and seventy-four.

Assessor of  
Wingham to  
complete roll  
by 1st May.

3. The Assessor to be appointed by the council of the said village shall make and complete the roll for the present year, not later than the first day of May next.

Application of  
the Municipal  
Act.

4. Except as herein specially enacted, all the provisions of the Act passed in the last session of the Legislature of this Province, intituled "An Act respecting Municipal Institutions in the Province of Ontario," are hereby declared to apply to the said village in the same manner and to the same extent in all respects as if the said village had been incorporated under the provisions of the said Act.

## CAP. LXXI.

### An Act respecting the Consolidated Debt of the Town of Bowmanville.

[Assented to 24th March, 1874.]

Preamble.

WHEREAS the Corporation of the Town of Bowmanville have by their petition shown that it is desirable in the interests of the said Town of Bowmanville, that aid should be given for the encouragement of manufactories therein; and that the Act passed in the twenty-third year of the reign of Her Majesty Queen Victoria, and chaptered ninety, of the Parliament of the late Province of Canada, consolidating the debt of the said Town, and the Act passed in the Session of the said Parliament held in the twenty-seventh and twenty-eighth years of the reign of Her said Majesty, and chaptered seventy-three, amending the former Act be further amended; and that power shall be given to the Corporation of the said Town of Bowmanville to issue debentures in excess of the present debt of said



said town (which is forty-four thousand dollars) to the amount of thirty thousand dollars, for such purpose or purposes as hereinafter provided :

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The said corporation of the Town of Bowmanville may, in excess of the present indebtedness of said town, issue debentures under their corporate seal, signed by the mayor, and countersigned by the treasurer of the said corporation for the time being, in such sums not exceeding in the whole thirty thousand dollars, as the council of said town may direct.

Debentures may be issued in excess of present indebtedness.

2. The corporation of said town may give the said debentures or any part thereof, by way of bonus for the promotion of manufacturing within the limits of said town, to any person or persons, or to any body corporate, and in respect of such branch of industry as the said corporation may determine upon, and subject to such terms, conditions and restrictions, as the said corporation may deem expedient ; and may take security therefor.

Disposal of debentures.

3. The corporation of the said town may apply the proceeds of the debentures issued as aforesaid, or any part thereof to the purchase of shares or stock in any manufacturing company now established, or that may hereafter be established, whose works shall be within the limits of said town.

Disposal of proceeds.

4. The corporation of the said Town of Bowmanville may apply the proceeds of the debentures to be issued as aforesaid, or any part thereof, for the improvement or construction of roads ; or for any other purpose which the council of the said town may deem to be expedient for the interests thereof.

Disposal of proceeds.

5. No by-law shall be passed by the said corporation for the issue of said debentures, or any part thereof, until the assent of the electors has been obtained, in conformity with the provisions of section two hundred and forty-eight, and following sections, contained in division VI., under the head "By-laws creating debts," of the Act of the Legislature of Ontario, passed in the thirty-sixth year of the reign of Her said Majesty, and chaptered forty-eight.

Assent of electors to issue of debentures.

## CAP. LXXII.

## An Act to legalize certain By-Laws of the County of Oxford.

[Assented to 24th March, 1874.]

## Preamble

**W**HEREAS the Council of the County of Oxford, on the fourteenth day of June, one thousand eight hundred and seventy-two, for the purpose of imposing county rates, equalized the assessment rolls of the different townships, towns and villages of the said county, for the year one thousand eight hundred and seventy-two, which equalization is hereinafter set forth in Schedule A; And whereas also the Council of the said county, on the twenty-first day of June, one thousand eight hundred and seventy-three, for the like purpose, equalized the assessment rolls of the said county for the year one thousand eight hundred and seventy-three, which equalization is also hereinafter set forth in Schedule B; And whereas also, the said council by their by-law, passed the twenty-first day of June, one thousand eight hundred and seventy-three, numbered one hundred and seventy-three, did authorize the raising on all the ratable property of the said county, for county purposes, of the several sums of fourteen thousand four hundred and fifty dollars, and five thousand one hundred and sixty-nine dollars; And whereas, doubts have arisen whether the said assessment rolls were properly equalized, and whether the rate so expressed in the said by-law should have been based on the equalization so made in the year one thousand eight hundred and seventy-two, or on that so made in the year one thousand eight hundred and seventy-three, and it is expedient to remove such doubts, and to confirm the said rolls so equalized, as also the said two by-laws, and each of them;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Equalization  
of rolls of 14th  
June, 1872,  
confirmed.

**1.** The equalization of the said rolls so made on the fourteenth day of June, one thousand eight hundred and seventy-two, (contained in Schedule A), is hereby confirmed and declared to have been from the making of the same, and thence continually legal and valid, any law or statute to the contrary, notwithstanding.

Equalization  
of rolls of 26th  
August, 1873,  
confirmed.

**2.** The equalization of the said rolls so made on the twenty-sixth day of August, one thousand eight hundred and seventy-three, (contained in Schedule "B"), is hereby confirmed and declared to have been from the making of the same, and thence continually legal and valid, any law or statute to the contrary, notwithstanding.

3. The said by-law, numbered one hundred and seventy-three, <sup>By-law 173</sup> is declared to have been from the time of its passing, and to be declared valid. and continue legal and valid, any law or statute to the contrary, notwithstanding.

## SCHEDULE "A."

NAME OF MUNICIPALITY.	Number of Acres Assessed.	Equalized Rate per acre.	Total value of Real and Personal Property as Equalized.
		\$	\$
Township of Blandford.....	29,629	18.00	608,322
" Blenheim.....	66,334	20.00	1,560,680
" Dereham.....	64,833	20.00	1,507,660
" East Nissouri.....	46,300	21.00	1,112,300
" North Norwich.....	34,062	22.00	934,364
" South Norwich.....	36,256	18.00	762,608
" North Oxford.....	20,304	20.00	466,080
" East Oxford.....	34,520	22.00	944,440
" West Oxford.....	25,300	22.00	646,600
" East Zorra.....	56,269	22.00	1,437,918
" West Zorra.....	53,659	21.00	1,301,839
Town of Woodstock.....	.....	.....	580,000
" Ingersoll.....	.....	.....	485,000
" Tilsonburg.....	.....	.....	150,000
Village of Embro.....	.....	.....	70,000
	469,066		12,567,811

## SCHEDULE "B."

NAME OF MUNICIPALITY.	Equalized Rate per acre.	Total value of Real and Personal Property as Equalized.
	\$	\$
Township of Blandford.....	18.00	605,112
" Blenheim.....	30.00	1,494,920
" Dereham.....	30.00	1,454,360
" East Nissouri.....	21.00	1,087,443
" North Norwich.....	22.00	883,642
" South Norwich.....	18.00	726,120
" North Oxford.....	20.00	486,440
" East Oxford.....	22.00	887,734
" West Oxford.....	22.00	635,570
" East Zorra.....	22.00	1,395,718
" West Zorra.....	21.00	1,294,650
Town of Woodstock.....	.....	605,998
" Ingersoll.....	.....	605,671
" Tilsonburg.....	.....	189,289
Village of Embro.....	.....	79,420
		12,432,087



## CAP. LXXIII.

## An Act respecting the Highway and Bridges over the Desjardins Canal.

[Assented to 24th March, 1874.]

Preamble.

**W**HEREAS the corporation of the Town of Dundas, the Desjardins Canal Company, the Great Western Railway Company, and the Hamilton and Milton Road Company have made an amicable arrangement respecting the difficulties heretofore existing between them in regard to the erecting, keeping and maintaining fixed bridges across the Desjardins Canal at and near Burlington Heights: And whereas part of such arrangement consists in the closing for a distance of one chain on either side of the said Canal, the present Highway leading across the high level bridge: And whereas it is necessary for the safety and convenience of the public that the arrangement should be legalised and made permanent and effectual; and a petition for that purpose having been presented, it is expedient to grant the prayer thereof:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

High level  
bridge over  
Burlington  
Heights to be  
closed.

**1.** The highway and high level bridge leading over Burlington Heights within the corporate limits of the City of Hamilton, crossing the Desjardins Canal by means of the said Bridge shall, from and after the passing of this Act, be permanently closed and cease to be a public highway for the space between lines respectively crossing the said highway at right angles thereto, at the distance of one chain from the northerly and southerly termini of the said high level Bridge, and it shall, and it may be lawful for the Hamilton and Milton Road Company to take down and remove the said high level bridge and by fences, walls, or otherwise to close the said Highway.

Hamilton and  
Milton Road  
Co. to main-  
tain bridge.

**2.** Whereas by the indenture in the schedule to this Act set forth, the Hamilton and Milton Road Company have agreed with the other parties to the said indenture to erect, keep and maintain for all time to come, over and across the opening or cut through Burlington Heights, a safe and commodious bridge for all Her Majesty's liege subjects their horses and carriages, free of toll, at all times thereby and thereupon safely to pass and repass; the erection keeping and maintaining of which bridge was made lawful by the Act of the Parliament of the late Province of Canada, passed in the sixteenth year of Her Majesty's reign, and chaptered fifty-four:

Therefore it is hereby enacted that hereafter the duty and burthen of erecting, keeping and maintaining such safe and commodious bridge across the said cut as is mentioned in the said

said Act, with proper and sufficient approaches thereto, shall be and is hereby imposed upon the Hamilton and Milton Road Company: Provided always that in case of default therein on their part, it shall be lawful either for the Corporation of the City of Hamilton or the Great Western Railway Company (if either shall so please) to repair, keep up and maintain such bridge and the roads approaches and works connected therewith, or any of them at the cost of the said Road Company, the cost whereof shall be a first lien and charge upon the roads, property, and revenues of such Road Company: And provided also, that in case of default at any time in keeping up and maintaining such bridge and approaches then so long as such default shall continue, nothing in this Act contained shall be held or construed to relieve or discharge the Great Western Railway Company or whom else it may concern from any duty and burthen in case they would have been liable thereto if this Act had not been passed, or to impose or create such duty or burthen or any duty or burthen in case they would not have been liable thereto if this Act had not passed.

3. It shall be lawful for the Corporation of the Town of Dundas and the Hamilton and Milton Road Company, and they are hereby authorized to make and enter into such agreements and arrangements as they shall think advisable with each other, and with the Desjardins Canal Company and the Great Western Railway Company for or respecting the erecting, keeping and maintaining across the said Canal at and near Burlington Heights in all time to come, of any fixed or stationary or other bridge or bridges already erected or to be erected, and of converting and changing any and all movable or draw, or swing bridges across the said Canal, into fixed and permanent bridges, and whether the said Canal shall thereby be closed against masted, or other vessels or not; and all such agreements and arrangements executed under the respective corporate seals of the said parties shall be held to be legal, binding and effectual to all intents and purposes whatsoever, and shall have the same force and effect as if the provisions thereof had been hereby and herein enacted and authorized so far as the Legislature of this Province has authority in the premises; and it shall thereupon be lawful to erect, keep and maintain all and any such bridges as fixed stationary and permanent bridges across the said Canal, and to convert and change any and all movable, or draw or swing bridges across the same into fixed and permanent bridges, as by the said agreements and arrangements shall be provided.

Town of Dundas and Road Co. may make agreements with Canal Co. as to bridges.

4. The indenture of agreement set forth in the schedule of this Act, shall upon its delivery by the parties thereto become valid, binding and effectual to all intents and purposes, and it shall be lawful for the parties thereto to act upon and in accordance with the terms and provisions thereof.

Indenture legalized.

## SCHEDULE.

This Indenture made the sixth day of February, in the year of our Lord one thousand eight hundred and seventy four, between the Corporation of the Town of Dundas, (hereinafter called "Dundas") of the first part, the Hamilton and Milton Road Company (hereinafter called "the Road Company"), of the second part; the Great Western Railway Company (hereinafter called "the Railway Company") of the third part; and the Desjardins Canal Company (hereinafter called "the Canal Company"), of the fourth part:

1. Whereas the Railway Company have heretofore constructed over and across the Desjardins Canal at or near Burlington Heights, a swing Bridge for the purposes of their Railway, and they are now desirous to make and at all times hereafter to maintain the said Bridge as a fixed and stationary Bridge, and at any time or times to renew the same, or if they shall see fit to remove the said Bridge, and construct and erect, over and across the said canal at or near the said Burlington Heights another Bridge and other Bridges from time to time, for the purposes of their Railway, and fixed and stationary, so, however, that the said Bridge or Bridges shall not be lower than the Railway Bridge now existing as aforesaid:

2. And whereas, the Canal Company have agreed and arranged, by and with the consent and at the request of Dundas, with the Railway Company, to permit the said Railway Company to make and maintain such fixed and stationary Bridges over the said Canal in consideration of the Railway Company, at the request of the Canal Company, and of Dundas, paying to Dundas the sum of thirty-five thousand dollars, and interest thereon, from the first day of October, one thousand eight hundred and seventy-three:

3. And whereas the Canal Company have also agreed with the Road Company to permit the Road Company to erect and maintain at all times hereafter a fixed, permanent and stationary Bridge or Bridges over and across the said Canal, at a point not within sixty-five feet of the present Railway Bridge, and not lower than the said swing Bridge in consideration of the Road Company agreeing to erect and maintain over and across the opening or cut through the Burlington Heights, made for the present channel or course of the said Canal, a safe and commodious Bridge or Bridges as aforesaid, for all Her Majesty's liege subjects and others, their horses and carriages, free of toll at all times thereupon and thereby, to pass and repass:

4. And whereas Dundas hath agreed to sanction and confirm the making and maintaining of such fixed and stationary Bridge and Bridges, by the Railway Company, in consideration of the money payment to them aforesaid by the Railway Company, and hath also agreed to sanction and confirm the making and maintaining of such fixed and stationary Bridge or Bridges by the Road Company for the considerations aforesaid and in  
consideration



consideration of the agreement of the Road Company to erect and maintain such safe and commodious Bridge as aforesaid :

5. And whereas the Railway Company in consideration of the covenants on the part of the Road Company hereinafter contained to construct such safe and commodious Bridge, and perform the stipulations of this agreement, on their part have agreed to pay to the Road Company the sum of fifteen thousand dollars, part of which has been paid :

6. And whereas it has been agreed between all the parties hereto, that all matters in difference, and all claims and demands of the one party against the other or others shall be taken as settled, satisfied and discharged, and shall be determined and at an end, save only that the claims of Dundas against the Canal Company shall remain in full force, except as to the sum of thirty-five thousand dollars and interest thereon, received hereunder which is to be taken by Dundas as a payment thereon by the Canal Company :

7. Now this Indenture witnesseth that in consideration of the premises, and of the payment by the Railway Company to Dundas at the request of the Canal Company, Dundas and the Road Company, of the aforesaid sum of thirty-five thousand dollars, with interest thereon as aforesaid, the receipt whereof by Dundas is hereby acknowledged, the Canal Company, Dundas, and the Road Company, each party for themselves, and not the one for the other of them, do covenant and agree with the Railway Company, that the Railway Company shall and may forthwith convert or change the draw or swing Bridge of the Railway Company over and across the Desjardins Canal at or near Burlington Heights, into a fixed, permanent and stationary Bridge, and may also so maintain the same at all times hereafter, whether the Canal shall thereby be closed against masted or other vessels or not, and may from time to time hereafter renew the same, and may if they see fit at any time or times alter the said Bridge or remove the same, and construct, erect and maintain over the said Canal at or near the said Heights, at the same point or above or below, or above and below the same point, another fixed, permanent and stationary Bridge, or other fixed, permanent and stationary Bridges, and at such height above the water as the Railway Company may think fit, so, however, that the said Bridge or Bridges shall not be lower than the swing Bridge now existing, and shall not interfere with the navigation of the said Canal, any more than the present swing Bridge would, if closed and made a fixed and stationary Bridge :

8. And this indenture further witnesseth that in consideration of the Road Company agreeing to erect and maintain over and across the said opening or cut through Burlington Heights, a safe and commodious Bridge as and for the purposes hereinafter mentioned, the Canal Company and Dundas do severally agree to permit the Road Company to take down and remove permanently the present high Bridge, (the material and debris thereof to be the property of the Road Company) and construct

erect, and at all times hereafter maintain over and across the said opening or cut through Burlington Heights, and at any height not lower than the said swing Bridge, a fixed permanent and stationary Bridge and Bridges, so constructed however, as not to interfere with navigation more than the present swing Bridge would if it were now a fixed and permanent Bridge, and not to be within sixty-five feet of the site of the present Railway Bridge:

9. And the Road Company for themselves, their successors and assigns, in consideration of the permission given to them by the Canal Company and Dundas, to build such fixed Bridges as aforesaid, and also in consideration of the payment to them by the Railway Company of the sum of fifteen thousand dollars (whereof the sum of seven thousand eight hundred and sixteen dollars has heretofore been paid and the remainder is now paid), the receipt whereof they do hereby acknowledge, do hereby covenant and agree with Dundas, the Canal Company and the Railway Company and each of them, that within nine months from the date of the passing of an Act of the Legislature of Ontario, confirming this agreement and legalizing the keeping of fixed and stationary Bridges over the said cut as aforesaid, they the Road Company will permanently close or cause to be permanently closed the highway leading to the present high Bridge over the said Canal at Burlington Heights, for a distance of one chain on either side of the said high Bridge, and divert or cause to be diverted the said highway at each side of the said Canal, so that the same shall lead to the Bridge to be built, constructed and maintained by the Road Company in lieu of the said high Bridge as hereinafter mentioned, and close and remove the said high Bridge, (the material and debris to be the property of the Road Company and the Road Company to do no injury and cause no obstruction other than the necessary temporary obstruction during the execution of their works, to the Canal or its banks in the removal of such high Bridge,) and in lieu thereof build, construct and for all time and at all times hereafter, maintain over and across the opening or cut through the said Burlington Heights made for the present channel or course of the Desjardins Canal, a good, permanent, stationary, safe and commodious Bridge for all Her Majesty's liege subjects and others, their horses and carriages, free of toll at all times thereby and thereupon safely to pass and repass, and that such Bridge shall be so erected and maintained not within sixty-five feet of the present Railway Bridge of the Railway Company across the said Canal, and at the height hereinbefore in that behalf provided for, and that they will not place, build or maintain, or cause to be placed, built or maintained any Bridge whatever, which shall be within sixty-five feet of the site of the present Railway Bridge of the Railway Company over the said Canal.

In Witness whereof the several parties to these presents have hereunto set their respective Corporate Seals the day and year first above written.

Signed, sealed and delivered in quadruplicate by Dundas in the presence of  A. S. WINK.	}	JAMES SOMERVILLE, [L.S.] Mayor of Dundas.
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By the Road Company in the presence of  J. K. GRIFFIN.	}	M. O'REILLY, [L.S.] Presid. of H. & M. Road Co.
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By the Railway Company in presence of  JOHN BURTON.	}	The Great Western Railway Company of Canada, By JOSEPH PRICE, [L.S.] General Manager.
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And by the Canal Company in the presence of  EDWIN WOODHOUSE.	}	T. H. A. BEGUE, [L.S.] As Vice President of the Desjardins Canal Co.
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## CAP. LXXIV.

An Act respecting the City of Toronto Waterworks ;  
and to amend the Act passed in the thirty-fifth year  
of the reign of Her Majesty Queen Victoria, and  
chaptered seventy-eight.

[Assented to 24th March, 1874.]

**W**HEREAS by the petition of the City of Toronto Water Preamble.  
Company, Louisa Priscilla Furniss, Administratrix of  
the estate of her late husband, Albert Furniss, deceased,  
Elizabeth Louise Elwes, (formerly Elizabeth Louise Furniss,)  
Mary Helen Furniss, Albert Henry Furniss, Edmond Louis  
Furniss, an infant under the age of twenty-one years, by his  
duly appointed guardian, the said Louisa Priscilla Furniss, all  
of the City of Toronto, in the County of York, Bernard Daniel  
Furniss, and George Furniss, of the City of Montreal, in the  
Province of Quebec, and John Joseph Furniss, of Bordeaux, in  
France



France, the heirs and heiresses at law and next of kin of the said Albert Furniss, deceased, it appearing that by the Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-eight, certain works, powers, rights, privileges and franchises therein mentioned, were vested in the said Albert Furniss, deceased, in the manner therein set out, and that it was intended by the said Act to vest in the same manner all the works, powers, rights, privileges, franchises and easements (including certain parcels of real estate in the said City of Toronto), held and occupied and enjoyed by the Metropolitan Water Company, incorporated by an Act passed in the session of the Parliament of the late Province of Canada, held in the twenty-fourth year of Her Majesty's reign, and chaptered one hundred and one, and of and to which works, powers, rights, privileges, franchises and easements, the said Albert Furniss was possessed and entitled, in the same manner as the said other premises thereby vested in him; but it appears doubtful whether the said works, powers, rights, privileges, franchises and easements, were by the said Act vested in him as so intended to be done; and that the said petitioners have by agreement bearing date the twenty-seventh day of May, in the year of our Lord one thousand eight hundred and seventy-three, contracted to sell, and the corporation of the said City of Toronto, by and through the agency of "The Water-works Commission for the City of Toronto," have in pursuance of the authority conferred by chapter seventy-nine of the statutes of Ontario, passed in the thirty-fifth year of Her Majesty's reign, contracted to purchase amongst other property all the works, powers, rights, privileges, and franchises whatsoever, and estate, real and personal, of or held and occupied and enjoyed by the several companies mentioned in the said Act, chaptered seventy-eight, and the said Albert Furniss, deceased, and the said petitioners, including all the said works, powers, rights, privileges, franchises and easements, and that in pursuance of such contract the said petitioners have executed a conveyance thereof, bearing date the seventeenth day of November, in the year of our Lord one thousand eight hundred and seventy-three, and the said Corporation of the City of Toronto are now in the occupation of the same; And whereas doubts have arisen as to the right of the said petitioners to sell and convey the same, and the said petitioners have by their said petition prayed that an Act may be passed confirming the said sale and vesting the said property in the said The Corporation of the City of Toronto, and it is expedient to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Confirmation  
of sale by  
Furniss to the  
Corporation of  
Toronto.

1. All the real and personal estate, works, powers, rights, privileges, authorities, franchises and easements, held and occupied and enjoyed by the said several companies, named in the said

said Act, passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-eight, and by the said Albert Furniss, deceased, and by the said petitioners, and by the Metropolitan Water Company, or the president and directors and shareholders thereof, or by any or either of them, or by the said Albert Furniss, deceased, under the name of the Metropolitan Water Company, shall be and are hereby vested in the said The Corporation of the City of Toronto, and their successors, to hold under, and in pursuance of and for the purposes mentioned in the said Act, passed in the thirty-fifth year of the reign of Her said Majesty, chaptered seventy-nine, and the said sale and conveyance thereof by the said petitioners is hereby confirmed.

## CAP. LXXV.

An Act to amend the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered seventy-nine, intituled "An Act to authorize the Corporation of the City of Toronto to construct Water Works in the City of Toronto."

[Assented to 24th March, 1874.]

**W**HEREAS the Corporation of the City of Toronto have petitioned for certain amendments to the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered seventy-nine, intituled "An Act to authorize the Corporation of the City of Toronto to construct Water Works in the City of Toronto," and it is expedient to grant the prayer of the said petition:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The annual return to be made to the council of the said corporation in accordance with the ninth section of the said Act shall be made on or before the thirty-first day of December in each year, in lieu of the date fixed in and by the said section, and the said section is hereby amended accordingly.

35 V., c. 79, s. 9,  
amended.  
Annual re-  
turns to City  
Council.

**2.** The thirteenth section of the said Act is hereby amended by inserting at the commencement thereof, the words "after the time granted for the construction of the said works," and by substituting the word "quarterly" for "monthly" in the third line of the said section.

Sec. 13  
amended.

**3.** That portion of section twenty-one from the word "provided" in the fourth line thereof to the end of the section, is hereby repealed.

Sec. 21  
amended.

Sec. 29  
amended.

Debentures.

4. The said corporation shall have power to issue debentures in accordance with the provisions of the said Act, to an extent not exceeding in the whole eleven hundred thousand dollars, in lieu of the sum limited in and by the twenty-ninth section of the said Act; and all the provisions of the said Act shall apply to the said debentures and the holders thereof, and to the sums of money to be borrowed thereon, in the same way as if the issue of the said debentures had been authorized by the said Act, and the provisions of the said Act had been made especially applicable to them.

Sec. 32  
amended.

5. The periodical payments mentioned in the thirty-second section of the said Act may be made quarterly instead of monthly as therein provided, and the said section is hereby amended accordingly.

Liability for  
damage done  
to works.

6. All persons and corporations whomsoever who shall by themselves, or their servants, or agents, by act, default, neglect, or omission, occasion any loss, damage, or injury to the water works, or any plant, machinery, fitting part, or appurtenances thereof, shall be liable to the said corporation, or the said commission for or in respect of such damage, loss, or injury; and damages in respect thereof may be recovered by the Corporation of the City of Toronto, by suit in any court of competent jurisdiction.

Anchors not to  
be dropped  
near pipes.

7. No anchor shall at any time be dropped within a distance of fifty yards on either side of the line of buoys marking the position of the pipe across the harbour.

Gauging me-  
ters.

8. The said commission may set up in any house, building, or place, and use a meter or meters for the purpose of gauging the quantity of water used in such house, building, or place.

Sec. 40  
amended.

9. The fortieth section of the said Act is hereby amended by striking out the word "three" in said section, and inserting in lieu thereof the word "five."

Power to sell  
certain lands.  
Application of  
proceeds.

10. The said corporation may, with the concurrence of the said Water Works Commission, sell and convey any lands purchased for the said water works, but which shall cease to be required, or which they shall deem unnecessary therefor, free from any charge, mortgage, or lien created by said Act or this Act; the proceeds arising from any such sale to be added to and form part of the funds for the construction of water works to be paid into some chartered bank having an office in Toronto, and shall be expended and paid out in the like manner, and for the like purposes, as the proceeds of water works debentures under the provisions of the said Act, passed in the thirty-fifth year of the reign of Her Majesty, Queen Victoria, and chaptered seventy-nine.



## CAP. LXXVI.

An Act to enable the Corporation of the City of Ottawa to issue Debentures for a further sum of money to complete the construction of the Water Works for the City of Ottawa.

[Assented to 24th March, 1874.]

**W**HEREAS the Corporation of the City of Ottawa, and Preamble.  
the Water Commissioners for the said City, have by their petition represented that the moneys raised under the by-law of the Corporation of the City of Ottawa, under the authority of the Act of the Legislature of this Province, passed in the thirty-fifth year of the reign of Her present Majesty, intituled "An Act for the Construction of Water Works for the City of Ottawa," and the Act amending the same, is not sufficient to complete the said Water Works and that a further sum of money will be required for that purpose, and they have prayed that an Act of the Legislature may be passed to enable the Corporation of the City of Ottawa to pass a by-law and issue debentures of the said Corporation of the City of Ottawa for the further sum of four hundred and fifty thousand dollars, to enable the said Water Commissioners to proceed with the construction of the said Water Works, and continue the same to completion; and that the said first mentioned Act should be further amended as hereinafter is contained; and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. For the purpose of enabling the Corporation of the City of Ottawa to raise the necessary funds for continuing the construction and completion of the Water Works, by the said Acts authorized to be constructed, and for paying the interest on the debentures, hereinafter mentioned, during the progress and untill the completion of the works, and the expenses attendant on or incurred in connection with the same, the Corporation of the City of Ottawa may pass a by-law to authorize the issue of, and may thereunder issue, debentures of the City of Ottawa for a sum of money not exceeding in the whole four hundred and fifty thousand dollars, in sum or sums not less than one hundred dollars, or twenty pounds sterling each, as shall to the Corporation of the City of Ottawa, seem expedient, which debentures shall be made payable either in sterling money of Great Britain or in Canadian currency, as to the Corporation of the City of Ottawa shall seem meet; which debentures shall state that they are issued under the authority of this Act, citing the chapter and short title of the same, and they shall be numbered

Corporation of  
Ottawa may  
issue debentures to the  
amount of  
\$450,000.

numbered from number one consecutively upwards, and shall bear date on some day to be named in the by-law authorizing the issue thereof, and shall bear interest as hereinafter mentioned, and the whole of the said debentures shall be made payable at the end of thirty years after the date thereof, and shall all bear date the same day, such debentures shall bear interest at the rate of six per centum per annum, and the debentures shall be signed by the Mayor and Chamberlain for the time being of the City of Ottawa, and shall have the seal of the Corporation of the City of Ottawa affixed thereto, and the same shall be made payable at any place in the Province or in the United Kingdom of Great Britain and Ireland, as to the Corporation of the City of Ottawa shall seem expedient; and to each of such debentures shall be attached coupons or warrants for the payment of the interest at the rate hereinbefore mentioned, which shall be signed by the City Chamberlain, or his name may be impressed on the said coupons by machinery, provided for that purpose by and with the authority of the Corporation of the City of Ottawa; and such debentures shall be negotiated by such person or persons, bodies politic or corporate as the Corporation of the City of Ottawa shall by by-law authorize and appoint to negotiate the same; Provided always that it shall not be necessary that the said debentures or the said coupons or warrants shall be made payable at any chartered bank, or that such debentures or any of them shall be deposited in or negotiated through any chartered bank; Provided also that the said Corporation of the City of Ottawa or any person or persons, bodies politic or corporate, by the said Corporation by by-law duly authorized to that effect, shall likewise have power to raise money for the purposes in this section, and in the said Act for the construction of the said Water Works, and the Act amending the same mentioned, on the security, pledge and deposit of the said debentures or any portion of them, pending the negotiation thereof, and may also redeem the same.

Certain formalities with respect to the by-law dispensed with,

2. In respect of the by-law hereinbefore authorized to be passed it shall not be necessary for the said Corporation of the City of Ottawa to order by the said by-law any special or other rate per annum, to be settled, or imposed, or levied in each or any year to pay the principal money and interest on such debentures; nor shall it be necessary to obtain the consent or approval of the Lieutenant-Governor of the Province before contracting the said debt, or before or after the passing of the said by-law; and the said by-law and the debentures to be issued thereunder shall be valid and effectual and binding to all intents and purposes whatsoever, on the Corporation of the City of Ottawa, notwithstanding that the provisions of the municipal laws, or any act or acts in that behalf have not been complied with, and no irregularity in form of the said by-law, or of the debentures to be issued under the same shall render the said by-law or the said debentures invalid, or alleged or be allowed

as a defence to any action or proceedings brought against the said corporation for the recovery of the amount of the said debentures or any part thereof, or the principal money thereon, or any part thereof; Provided however that the said by-law shall before the final passing thereof receive the assent of the electors of the City of Ottawa duly qualified to vote in respect of by-laws creating debts and requiring the assent of the electors under the Municipal Institutions Act for the Province of Ontario, intituled "An Act respecting Municipal Institutions in the Province of Ontario," and that such assent shall be obtained and all proceedings taken in the premises provided for by sections two hundred and thirty-one, two hundred and thirty-two, two hundred and thirty-three, two hundred and thirty-four, two hundred and thirty-five, and two hundred and thirty-six of the said last mentioned Act, and that the said sections of the said last mentioned Act shall be applicable to the said by-law as fully and effectually to all intents and purposes as if the same were incorporated into this Act.

but to be assented to by the electors.

3. The Water Commissioners for the City of Ottawa shall, after the completion of the Water Works, raise annually from the water rates and with the authority conferred upon them in and by the Act of the Legislature of this Province firstly hereinbefore referred to, and the Act amending the same, a sum of money sufficient to pay the interest semi-annually on the days appointed for the payment thereof, upon the principal money of the said debentures; and shall also raise annually a further sum sufficient to form a sinking fund, to pay off the principal money when the same shall become payable; such sums to be in addition to the moneys required to be raised to pay off the Water-Works debentures, already issued by the Corporation of the City of Ottawa, under the Acts hereinbefore referred to; and the Corporation of the City of Ottawa shall pay the principal moneys and interest on the said debentures, as the same shall from time to time fall due.

Interest and Sinking Fund.

4. If the Water Commissioners for the City of Ottawa shall at any time fail to pay over to the Corporation of the City of Ottawa the sums of money from time to time necessary for the payment of interest on the said debentures or any part of them, or to pay over to the said Corporation of the City of Ottawa after the completion of the said works, the said interest, and as well, also, on or before the first day of January in each year, during the said term of thirty years, such sum of money as may be found, from time to time necessary and requisite for a sinking fund, as herein mentioned, it shall be the duty of the Corporation of the City of Ottawa, and they are hereby authorized and required when and as often as the same may occur, forthwith to settle, impose, levy, and collect an equal special rate upon all the assessable property of the City of Ottawa, in the manner and with the like powers as shall exist in respect to municipal assessments, rates and taxes, and from the proceeds thereof to pay

If Commissioners fail to pay interest on debentures, Corporation may levy special rate.



pay and discharge all sums of money for interest or principal which shall or may be due or accruing due as aforesaid.

Act not to limit the borrowing powers of the Corporation.

5. Nothing in this Act contained shall extend, or be construed to extend to diminish the power and authority of the Corporation of the City of Ottawa hereafter to borrow on the credit of the said City for the general uses and purposes of the said City, as fully and effectually as if the said City was not indebted for the building of the said Water Works, or that debentures had not been issued by the said City for the amount, or as if this Act had not been passed, any act, statute, or law, or provision thereof to the contrary notwithstanding.

Investment of Sinking Fund.

6. The Corporation of the City of Ottawa shall from time to time invest any moneys in their hands at the credit of the sinking fund account, and the accruing interest thereon, in Government securities or otherwise, as the Lieutenant-Governor in Council may limit.

Water Works property to be charged, &c., for payment of the debentures.

7. The said Water Works to be erected and constructed under the said Acts intituled "An Act for the Construction of Water Works for the City of Ottawa," and the Act amending the same, and also the land to be acquired for the purposes thereof, and everything therewith connected shall be, and they are hereby specially charged, pledged, mortgaged, and hypothecated for the repayment of any sum or sums which may be borrowed by the said Corporation of the City of Ottawa under the powers conferred upon them by this Act, as well as for the due and punctual payment of the interest thereon; and all and every of the holders of the debentures issued under the authority conferred by this Act, shall, subject to the charge thereon, in favour of the holders of the debentures issued under the said Act for the construction of Water Works for the City of Ottawa, and the Act amending the same, have a preferential pledge, mortgage, hypothec or privilege on the said lands, Water Works, and property appertaining thereto for securing the payment of the said debentures, and the interest thereon.

35 V., c. 80, s. 5, amended.

8. Section five of the first mentioned Act, referred to in the preamble of this Act, is hereby amended by inserting in the twentieth line thereof, after the word "highways" and between it and the word "railroads," the words "rivers, bridges," and by inserting in the twenty-second line of the said section, after the word "Carleton," the words "or between the said Townships or Village, and the City of Ottawa."

See, 23, amended.

9. Section twenty-three of the said last mentioned Act is hereby amended by inserting in the fifth line thereof, after the word "chamber" the word "pipe."

Commissioners may erect a fire alarm telegraph.

10. In addition to the powers conferred upon the Water Commissioners for the City of Ottawa by the said Act for the construction

construction of Water Works for the City of Ottawa, and the Act amending the same; the said Commissioners shall also have power to erect, construct, maintain, and work a fire alarm telegraph within the City of Ottawa, and to do all things necessary for the proper and efficient working and management thereof; and all the powers, rights and privileges (including the right to take and acquire lands for that purpose) conferred on the said Commissioners by the said Acts, shall and may be exercised by them for the execution, construction, maintainance and efficient working of the said fire alarm telegraph.

11. The said Water Commissioners shall also have power to fix the price to be paid by the Corporation of the City of Ottawa for the use of the said water by the City for watering the streets and extinguishing fires, and for such other public purposes as the Corporation of the City of Ottawa shall require the use of the said water; Provided always that if the Corporation of the City of Ottawa shall be dissatisfied with the prices fixed by the said Commissioners, and shall give notice of such their dissatisfaction to the said Commissioners within one month after they shall be notified thereof in writing, then the amount to be paid by the said Corporation to the said Commissioners shall be settled by three arbitrators, one to be appointed by the said Corporation, one by the said Commissioners, and the third arbitrator to be appointed by the two arbitrators so appointed as aforesaid, and the decision of the said arbitrators, or any two of them shall be final, binding, and conclusive upon the parties; in the event of either party neglecting to name an arbitrator the fourth section of the statute in the preamble to this Act mentioned, as amended by the eleventh section of "The Ottawa Water Works Amendment Act, 1873," shall be applicable to all proceedings to be taken to ascertain and settle upon the prices to be paid by the said Corporation to the said Commissioners for the use of the said water.

Commissioners  
to fix prices  
for water used  
by the Corpo-  
ration.

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### CAP. LXXVII.

An Act to enable the Corporation of the Town of Port Hope to incur liability for the construction of Water Works for the Town.

[Assented to 24th March, 1874.]

WHEREAS the corporation of the Town of Port Hope, Preamble have by their petition represented that under the Act of the Parliament of the late Province of Canada, passed in the twenty-fourth year of the Reign of Her Majesty, and chaptered sixty-two, and intituled "An Act to consolidate the debt of the Town

Town of Port Hope," it is unlawful for them to incur any further debt or liability than is provided for in that Act, and that the debt or liability provided for in the said Act has been incurred, and that it is desirable, and would be advantageous to the said Town, and a protection of its interests to have a system of water works introduced therein for the purpose of extinguishing fires, and for other purposes, and have prayed that the said corporation may be authorized to incur a further debt or liability for the construction of water works in the said town; And whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to incur liability for construction of water works.

**1.** Notwithstanding any law in force to the contrary, it shall be lawful for the corporation of the Town of Port Hope, to incur such further debt or liability, as it may deem expedient and necessary, and as it may be lawful for the said corporation to incur under the provisions of the laws respecting Municipal Institutions in the Province of Ontario, for the purpose of constructing water works for the said town, and laying down water pipes in the streets of the said town, and of extending, enlarging, and altering such water works and water pipes from time to time as the council of the said corporation shall think proper, or for the purposes of acquiring stock in, or lending money to any corporate water company undertaking to construct water works for, and lay down water pipes or conduits for the conveyance of water in or under the streets or public squares of the said town, or for guaranteeing the payment of money borrowed by, or of debentures issued for money so borrowed by any such company.

Debt to be incurred in accordance with municipal laws.

**2.** Any debt or liability incurred by the said corporation under this Act, as well for the original construction of the said water works as for the extension, enlargement, or alteration thereof, shall be incurred in the manner, and in accordance with the provisions of the law in force respecting Municipal Institutions in the Province of Ontario, so far as the same relates to water works and water companies in towns.

Corporation may enter into contracts for the construction of water works.

**3.** It shall be lawful for the said corporation to enter into a contract with any person or persons, or body corporate, for the construction of such system of water works for the said town, as the council of the said corporation shall deem advisable, and for the extension, enlargement, and alteration thereof, as may be deemed advisable by the said council, and on such terms as the said council shall think fit.

Corporation may issue debentures.

**4.** The said corporation may, for the purpose of defraying the cost of the construction, extension, enlargement, and alteration of the said water works, issue debentures under the



the seal of the corporation, signed by the mayor, and countersigned by the treasurer of the corporation for the time being, in such sums as the council of the said corporation may direct, and bearing interest at a rate not exceeding eight per centum per annum; and the principal sum secured by the said debentures and the interest accruing thereon, may be made payable either in this Province, or Great Britain, or elsewhere, as the council may deem expedient.

5. The debentures to be issued as aforesaid, shall be payable in such time, not exceeding thirty years nor less than five years, as the said council shall deem expedient, and the interest thereon shall be payable semi-annually.

6. The said corporation may raise by way of loan, on the credit of the said debentures, in this Province, or in Great Britain, or elsewhere, such sum of money as shall be required for the construction, extension, enlargement, and alteration of the said water works, and the loan so to be raised, and all sums of money raised under the provisions of this Act, shall be applied by the said council to the payment of the cost of constructing, extending, enlarging, or altering the water works for the said town, and to and for no other purpose whatsoever.

7. For payment of the debentures to be issued under this Act, and the interest thereon, the said council shall levy an annual special rate to defray the yearly interest on the said debentures, and to form an equal yearly sinking fund for the payment of the principal, within the time at which the said debentures shall become payable.

8. The said council shall, and it shall be the duty of the treasurer of the said corporation to invest from time to time, all moneys raised by special rate for the sinking fund hereinbefore provided for, either in redemption of any of the debentures hereby authorized to be issued, or in any debentures issued by the Government of Canada, or of this Province, or in such other securities, as the Lieutenant-Governor of this Province, may by order in council direct, or in any chartered bank of the Dominion of Canada, that the said council may from time to time approve, and at such rate of interest thereon as may be agreed upon by the said council and such bank.

## CAP. LXXVIII.

## An Act for the construction of Water Works for the Town of Peterborough.

[Assented to 24th March, 1874.]

## Preamble.

**W**HEREAS the construction of water-works and a supply of water would conduce to the comfort of the inhabitants of the Town of Peterborough, and afford means for the better protection from fire of property therein ; And whereas the Corporation of the Town of Peterborough have by petition asked to be authorized to construct, have and manage, as to them may seem meet, certain water-works for said town, and it is expedient to grant the prayer of said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

## Corporation of Peterborough may construct &amp;c. water-works.

**1.** The Corporation of the Town of Peterborough by and through the agency of commissioners and their successors, to be elected and appointed as hereinafter provided, may and shall have power to design, construct, build, purchase, improve, hold and generally maintain, manage and conduct water-works, and all buildings, matters, machinery, and appliances therewith connected, or necessary thereto, in the Town of Peterborough and parts adjacent, as hereinafter provided.

## Incorporation.

**2.** The commissioners and their successors shall be a body corporate, under the name of "The Water Commissioners for the Town of Peterborough," and shall be composed of three members, of whom the Mayor of the Town of Peterborough shall be *ex-officio* one ; and the said commissioners shall have all the powers necessary to enable them to build the water-works hereinafter mentioned, and to carry out all and every the other powers conferred upon them by this Act.

## Duties of commissioners.

**3.** It shall be the duty of the said commissioners to examine, consider, and decide upon all matters relative to supplying the said Town of Peterborough with a sufficient quantity of pure and wholesome water for the use of its inhabitants.

## Power to appoint engineers, &amp;c.

**4.** The commissioners shall have power to employ engineers, surveyors, and such other persons, and to rent or purchase such lands, buildings, waters and privileges as in their opinion may be necessary to enable them to fulfil their duties under this Act.

## Entry on lands.

**5.** It shall and may be lawful for the said commissioners, their agents, servants and workmen, from time to time, and at such

such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the Town of Peterborough, or within fifteen miles of the said town, and to survey, set out, and ascertain such parts thereof as they may require for the purposes of the said water-works; also to divert and appropriate any river, pond of water, spring or stream of water therein, as they shall judge suitable and proper, and to contract with the owner or occupier of the said lands, and those having a right in the said water for the purchase thereof, or of any part thereof, or of any privilege that may be required for the purposes of the said water commissioners; and in case of any disagreement between the said commissioners and the owners or occupiers of such lands, or any person having an interest in the said water, or the natural flow thereof, or any such privilege as aforesaid respecting the amount of purchase or value thereof, or as to the damages such appropriation shall cause to them, or otherwise, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned; namely, the commissioners shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall within ten days after their appointment appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, the Judge of the County Court of the County of Peterborough shall on application by either party appoint such third arbitrator: in case any such owner or occupier shall be an infant, married woman, or insane, or absent from this province, or shall refuse to appoint an arbitrator on his behalf, or in case such land or water privileges may be mortgaged or pledged to any person or persons, the judge of the County Court of the County of Peterborough, on application being made to him for that purpose by the commissioners, shall nominate and appoint three indifferent persons as arbitrators; the arbitrators to be appointed as hereinbefore mentioned shall award, determine, adjudge, and order the respective sums of money, which the said commissioners shall pay to the respective personse ntitled to receive the same; and the award of the majority of the said arbitrators in writing shall be final; and the said arbitrators shall be and they are hereby required to attend at some convenient place at or in the vicinity of the said town, to be appointed by the said commissioners after eight days' notice given for that purpose by the said commissioners, there and then to arbitrate and award, adjudge, and determine such matters and things as shall be submitted to their consideration by the parties interested, and also the costs attending said reference and award; and each arbitrator shall be sworn before some one of Her Majesty's justices of the peace in and for the said county of Peterborough, well and truly to assess the value or damages between the parties to the best of his judgment; and the justice of the peace before whom the said arbitrators or any of them shall be sworn, shall give either the parties requiring the same a certificate

Appropriate  
streams.

Differences to  
be referred to  
arbitration.

Lands of  
infants, &c.

Award.

Meetings of  
arbitrators.

Oath of  
arbitrators.

cate



Setting aside  
award.

cate to that effect: Provided always, that any award under this Act shall be subject to be set aside on application to the Court of Queen's Bench or Common Pleas, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration, as hereinbefore provided; and that any sum so awarded shall be paid within three calendar months from the date of the award or determination of any motion to annul the same, and in default of such payment the proprietor may resume possession of his property, and all his right shall thereupon revive, and the award of the majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

Lands appro-  
priated vested  
in the town.

Construction  
of works, lay-  
ing pipes, &c.

**6.** The lands, privileges and water which shall be ascertained, set out or appropriated by the said commissioners, for the purposes thereof as aforesaid shall thereupon and forever thereafter be vested in the corporation of the town of Peterborough and their successors; and it shall and may be lawful for the said commissioners and their successors to construct, erect and maintain in and upon the said lands all such reservoirs, water works and machinery requisite for the said undertaking and to convey the water thereto and therefrom in, upon or through any of the grounds and lands lying intermediate between the said reservoirs and water works and the springs, streams, rivers, or ponds, or waters from which the same are procured and the said town of Peterborough by one or more lines of pipes as may from time to time be found necessary; and for the better effecting the purpose aforesaid, the said commissioners and their successors and servants are hereby empowered to enter and pass upon and over the said grounds, roads, highways, railways and lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same, and in, upon, over, under and through the highways, railways and roads within fifteen miles of the town of Peterborough, and in through, over and under the public ways, streets, lanes, railways or other passages within the said town of Peterborough, and in, upon, through, over and under the lands, grounds and premises of any person or persons, bodies corporate, politic or collegiate, or any lands of the crown, and to set out, ascertain, use and occupy such part or parts thereof as they, the said commissioners or their successors shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering or repairing the same, and for distributing water to the inhabitants of the town of Peterborough, or for the uses of the corporation of the said town, or of the proprietors or occupiers of the land through or near which the same may pass; and for this purpose to sink and lay down pipes, tanks, reservoirs and other conveniences, and from time to time to alter all or any of the said works, as well in the position

tion as in the construction thereof, as to the said commissioners or their successors shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained in case of disagreement by arbitration as aforesaid; and all such water works, pipes, erections and machinery requisite for the said undertaking shall likewise be vested in and be the property of the said corporation of the town of Peterborough.

Work vested  
in the town.

7. If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said commissioners or their managers, contractors, servants, agents, workmen, or any of them in the exercise of any of the powers and authorities in this Act authorized and contained, or if any person shall wilfully or maliciously let off, or discharge any water so that the same shall run waste or useless out of the said works; or if any person shall throw or deposit any injurious, noisome or offensive matter into the said water, or water works, or upon the ice, or in any way foul the same, or commit any wilful damage, or injury to the works, pipes, or water, or encourage the same to be done, every person offending in any of the cases aforesaid, shall on conviction thereof, before any Justice of the Peace having jurisdiction within the locality where the offence shall be committed, forfeit and pay for every such offence a sum not exceeding twenty dollars together with the costs of conviction, one-half to be applied to the use of the commissioners for water-works purposes and the other half to him or her, who shall lay information; and in case the parties suing for the same shall be the commissioners themselves or any of their servants, officers, agents or workmen, then the whole of the said penalty shall be applied to the uses of the commissioners for water-works purposes; and such justice may also in his discretion, further condemn such person to be confined in the common gaol of the County of Peterborough, for any period not exceeding one calendar month as to such Justice shall seem meet; and such person or persons so offending, shall be liable to an action at law at the suit of the commissioners, to make good any damage done by him, her or them.

Injury, etc  
to works.

Penalty.

8. All materials procured or partially procured under contract with the commissioners, and upon which the said commissioners shall have made advances in accordance with such contract shall be exempt from execution.

Materials for  
work, exempted from execution.

9. The said commissioners shall be and they are hereby required to keep, or cause to be kept, regular books of account and books for recording the whole of their official proceedings; and the commissioners and the clerks employed in their service, shall be sworn before a Justice of the Peace, to the faithful performance of their duties; and all such books shall be open

Books and accounts to be kept by commissioners.

Annual report. to the examination of any member of the town council of the Town of Peterborough, or of any person or persons appointed for that purpose by the corporation of the Town of Peterborough, and shall annually on or before the thirty-first day of December in each and every year, make a report to the corporation of the Town of Peterborough of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same.

Returns to the town council.

10. The commissioners and their successors shall from time to time in each year, deliver to the council of said corporation such other statement of the affairs of the said water-works, as the said corporation may consider necessary, and which will afford to the citizens of the town of Peterborough a full and complete knowledge of the state of affairs of the said water-works, and such information as may be required by the corporation of the Town of Peterborough; and all the accounts relating to the said water-works may be audited by the auditor of the said corporation in regular course.

Accounts to be audited by auditors.

Regulations for use of water.

11. The commissioners for the time being shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof, and the times of payment; and they may erect such number of public hydrants and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used, all which they may change at their discretion; provided always that all hydrants conduits or other appliances, which the corporation of the Town of Peterborough may require under this Act for the purpose of extinguishment of fires, shall be placed as the corporation of the Town of Peterborough shall direct, and shall be under their exclusive control and direction when erected.

Location of fire hydrants.

Water rates.

12. The commissioners shall have power and authority, and it shall be their duty from time to time to fix the price, rate or rent, (such price, rate or rent, not being less after the completion of the works than sufficient to pay the interest and sinking fund upon the debentures issued for the construction of the works, and the expenses of maintaining and working the same,) which any owner or occupant of any house, tenement, lot, or part of a lot, or both, in, through or past which the water pipes shall run, shall pay as water rate or rent, whether such owner or occupant shall use the water or not, having due regard to the assessment and to any special benefit and advantage derived by such owner or occupant, or conferred upon him or her, or their property, by the water works, and the locality in which the same is situated; and such water rate or rent as shall be assessed by such commissioners upon such owner or occupant, shall be and continue a lien or charge, unless paid upon such real estate in the same way and manner as other taxes assessed on real estate, in the said Town of Peterborough, are liens; and

Water rates lien on property.



and the water commissioners shall also have power and authority from time to time to fix the rate or rent to be paid for the use of the water by hydrants, fire plugs, and public buildings : And in order to prevent the waste of water, and settle disputes arising therefrom, as to the quantity supplied to any consumer, the said commissioners are hereby empowered to erect or place water meters or other water measuring apparatus on the premises of the consumer, whenever they may deem it expedient so to do, the cost thereof to be borne by such consumer.

**13.** All water rates and water rents when collected, less disbursements by the commissioners, shall be paid over monthly by the said commissioners to the treasurer of the Town of Peterborough.

Rates to be paid to Treasurer.

**14.** The commissioners shall have power from time to time to make and enforce all necessary by-laws, rules and regulations, for the general maintenance, or the management and conduct of the said water works, officers and others employed by them, not inconsistent with this Act ; and for the collection of the said water rent and water rate ; and for fixing the time and times (which shall be quarterly) when, and the places where the same shall be payable ; also for allowing a discount for prepayment, and in case of default in payment to enforce payment by shutting off the water, or by suit at law, before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods and chattels in his or her possession, wherever the same may be found within the Town of Peterborough, or County of Peterborough, or of any goods and chattels found on the premises the property of, or in the possession of, any other occupant of the premises : such distress and sales shall be conducted in the same manner as sales are now conducted for arrears of town taxes, and the costs chargeable shall be those payable to bailiffs, under the Division Court Act : Provided that the attempt to collect such rates, by any process hereinbefore mentioned, shall not in any way invalidate the lien upon such premises ; and in the event of any such rate uncollected and unpaid, and continuing a lien upon the premises, as hereinbefore provided, the amount of such rate so in arrears shall be returned by the commissioners to the treasurer of the Town of Peterborough, annually, on or before the eighth day of April in each and every year, and the same, together with interest thereon, shall thereupon be collected by such treasurer, by the sale of the said lands and premises, in the same manner and subject to the same provisions, as in case of the sale of non-resident lands for arrears of municipal taxes.

By-laws, etc., regarding water rates.

Enforcing payment of rates.

**15.** The commissioners may prosecute or defend any actions or process at law or in equity, by the name of "The Water Commissioners of the Town of Peterborough," against any person or persons for money due for the use of the water, for the breach of any contract, express or implied, touching the execution

Commissioners may prosecute or defend actions under their name of office.

tion or management of the works or the distribution of the water, or of any promise or contract made to or with them, and also for any injury or trespass, or nuisance done or suffered to the water courses, source of water supply, pipes, machinery or any apparatus, belonging to or connected with any part of the works, or for any improper use or waste of the water, or for anything otherwise arising out of their said office as commissioners.

Power to employ town collectors and others.

**16.** The commissioners by by-law shall have power with the consent of the corporation of the Town of Peterborough, to employ the town collectors, assessors and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed, and to fix their compensation ; and all such persons shall hold their offices under the commissioners, at the pleasure of the commissioners, or as they shall determine by by-law in that behalf; and shall give such security as the commissioners shall from time to time require ; and such assessors and collectors shall have as full power in the performance and enforcement of the matters to them committed, as the collectors and assessors in the Town of Peterborough may by law possess and enjoy.

Protection of officers in exercise of office.

**17.** The commissioners and their officers, shall have the like protection in the exercise of their respective offices and the execution of their duties as justices of the peace now have under the laws of this Province.

Penalty for drawing off water.

**18.** If any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the said water works, or in any way obtain or use any water thereof, without the consent of the commissioners, he or they shall forfeit and pay to the commissioners for water works purposes, the sum of fifty dollars, and also a further sum of five dollars for each day, or part of a day or night, or part of a night, which pipe or main shall so remain, which said sums together with costs of suit in that behalf, may be recovered by civil action in any court of law in the Province having civil jurisdiction to that amount.

Fouling the water.

**19.** If any person shall bathe, or wash, or cleanse any cloth, wool, leather, skin or animals, or place any nuisance or offensive thing within the distance of one mile from the source of supply for such water works, in any river, pond, creek, spring, source or fountain from which the water of the said water works is obtained, or shall convey, or cast, or throw or put any filth, dirt, dead carcase or other noisome or offensive things therein, or within the distance as above set out, or cause, permit, or suffer the water of any sink, sewer or drain to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in any way tainted or fouled, every such person shall on conviction thereof before any justice of the peace, be, by such justice adjudged and condemned to pay a penalty

Penalty.

penalty for every such offence not exceeding twenty dollars together with costs, one half to be applied for water works purposes, and the other half to him or her who shall lay the information; and in case the party laying such information be the commissioners themselves, or any of their officers or servants, then the whole of said penalty shall be applied to the uses of the commissioners for water works purposes; and such justice shall also in his discretion further condemn such person to be confined in the common gaol for a space of time not exceeding one calendar month, with or without hard labour, as to such justice may seem meet.

**20.** It shall and may be lawful for the commissioners, and they are hereby authorized and empowered to make such by-laws as to them shall seem requisite and necessary for prohibiting by fine not exceeding twenty dollars for water works purposes, or imprisonment not exceeding one calendar month, the amount of such fine and duration of such imprisonment, and also the option between fine and imprisonment, with or without hard labour, being always in the discretion of the justice of the peace before whom any proceedings may be taken for enforcement thereof, any person being occupant, tenant, or inmate of any house supplied with water from the said water works, from lending, selling, or disposing of the water thereof, from giving it away, or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than his, her, or their own use and benefit, or from increasing the supply of water agreed for with the said commissioners, or from wrongfully neglecting or improperly wasting the water, as also for regulating the time, manner, extent, and nature of the supply by the said works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing related to or connected therewith, with which it may be necessary or proper to direct, regulate, or determine, for issuing to the inhabitants of the town a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the commissioners, with regard to the water so supplied.

Penalty for  
wrongfully  
using water.

**21.** In all cases where a vacant space intervenes between the line of the street and the wall of the building into which the water is to be taken, the commissioners are empowered to lay the service pipes across such vacant space, and charge the cost of the same to the owners of the premises, such charge to be payable with the first payment of water rates, and to be collected in the same manner from the said owners.

Service pipes  
may be laid  
across vacant  
land.

**22.** The service pipe from the line of street to the interior face of the outer wall of the building supplied together with all branches couplings, stopcocks and apparatus placed therein by the commissioners, shall be under their control: and if any damage

Service pipes  
etc., to be under  
control of  
commissioners



Stopcocks.

damage be done to this portion of the service pipe or its fittings either by neglect or otherwise, the commissioners may repair the same, and charge the same to the occupant or the owner of the premises; the stopcock placed by the commissioners inside of the wall of the building shall not be used by water tenant, except in cases of accident or for the protection of the building or the pipes, and to prevent flooding of the premises.

Taps.

**23.** All parties supplied with water by the commissioners, may be required to place only such taps for drawing and shutting off the water as may be approved of by the commissioners.

Breaking of service pipes.

**24.** Neither the water commissioners nor the corporation of the Town of Peterborough, shall be liable for damages caused by the breaking of any service pipe or attachment, or for any shutting off of the water to repair mains, or to tap the pipes, provided, notice be given of the intention to shut off the water when the same is shut off more than six hours at any one time.

Officers may inspect buildings.

**25.** It shall be lawful for the officers of the water commissioners, and every person authorized by them for that purpose to have free access at proper hours of the day, and upon reasonable notice given and request made for that purpose to all parts of every building in which water is delivered and consumed.

Obstructing hydrants etc.

**26.** If any person or persons not being in the employment of the water commissioners, or not being a member of the fire brigade of the said town, and duly authorized in that behalf, shall willfully open or close any hydrant, or obstruct the free access to any hydrant, stopcock chamber, or hydrant chamber by placing on it any building material, rubbish or otherwise, every such person shall on conviction before any of Her Majesty's justices of the peace forfeit and pay for each offence, a sum not exceeding twenty dollars for water works purposes, or in default of payment be imprisoned in the gaol of the county, for a term, not exceeding thirty days; and each time the said hydrants are so interfered with, and each day or part of a day, night or part of a night, such obstruction shall continue, shall be considered a separate offence.

Penalty.

Quorum of commissioners.

**27.** A majority of said commissioners shall constitute a quorum for the transaction of any business allowed or required by virtue of this Act.

Extension of water-pipes to suburbs.

**28.** The water commissioners are hereby empowered to arrange for the extension of pipes in suburbs and partially built portions of the town, by allowing a deduction from the price charged for the water to such extent as the commissioners shall see fit when the said pipes are laid at the cost of the parties under the directions of the commissioners and subject to their approval; or the commissioners may lay the pipes, charging the said parties, in addition to the usual water-rates, a yearly interest

terest upon the cost of such extension, which interest or such portion thereof as shall then be due, shall be paid at the same time, and collected in the same manner as the water-rates.

**29.** The water commissioners shall have power and authority to supply any corporation, person, or persons with water, although not being resident within the Town of Peterborough; and may exercise all other powers necessary to the carrying out of their agreement with such corporation or persons, as well within the suburbs of as within the Town of Peterborough; and they may also from time to time make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory; Provided that no power shall be exercised under this section without the consent and approbation of the corporation of the Town of Peterborough.

Supplying water to others than residents or the Town of Peterborough..

**30.** The lands, buildings, machinery, reservoirs, pipes, and all other real or personal property connected with, or appertaining or belonging to the water-works shall be exempt from taxation.

Exemption of works from taxation.

**31.** If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of such action arising.

Limitation of time for commencement of action..

**32.** The watchman and other officers of the water commissioners, when in the discharge of their duties, shall be *ex-officio* possessed of all the powers and authority of officers of the peace.

Powers of officers of the commission-ers.

**33.** For the purpose of acquiring the necessary lands, rights, and privileges, and constructing the said water-works, and paying the interest on the said debentures during the progress of the works, and expenses attendant thereon, or for the purpose of meeting the payment of any other matter, or thing contemplated or allowed by this Act, the corporation of the Town of Peterborough shall have power to issue debentures of the said corporation of the Town of Peterborough, to be called water-works debentures, for a sum of money not exceeding one hundred thousand dollars of lawful money of Canada; which debentures shall be issued and made redeemable, at the times and in the manner pointed out, for the issuing and redemption of the debentures of the Town of Peterborough, by the Act of the Parliament of the late Province of Canada, passed in the twenty-fourth year of Her Majesty's reign, chaptered sixty-one; and it shall not be necessary to submit any by-laws, for the issue of the said debentures, to the approval of the ratepayers or electors of the Town of Peterborough, other than the by-laws

Issue of debentures.

laws hereinafter mentioned ; but the said debentures to be issued hereunder, shall be valid and effectual, and binding to all intents and purposes, on the corporation of the Town of Peterborough, notwithstanding any of the provisions of the Municipal Institutions Act in that behalf have not been complied with.

Deposits and applications of proceeds of debentures.

**34.** Such debentures when issued shall be deposited in some of the chartered banks having an office at the Town of Peterborough ; and the proceeds of such debentures shall be paid into some chartered bank, and kept separate from any other funds of the said town ; and the same shall only be paid out on the cheque of the mayor and treasurer, for the time being, of the Town of Peterborough, and the chairman for the time being of the said water commissioners, as may from time to time be required for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act, and for the payment of interest accruing due on the said debentures, during the period of the erection and completion of the said water works : Provided always, that nothing herein contained shall prevent the commissioners, should they deem it advisable so to do, from paying the contractor or contractors, or others, in debentures, either at par or at such rate of discount as the commissioners shall in their judgment deem advisable, with the assent of the corporation of the Town of Peterborough thereto, nor from selling or negotiating the same, as to them may seem most expedient and advantageous to the interests of the Town of Peterborough.

Proviso.

Holders of debentures to have a lien upon the works.

**35.** The said water works to be erected and constructed under this Act, and also the lands to be acquired for the purpose thereof, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated, for the repayment of any sum or sums which may be borrowed by the said corporation for the purposes of this Act, as well as for the due and punctual payment of the interest thereupon, and all, each and every of the holders of the debentures in the last previous section mentioned, shall have a preferential pledge, mortgage, hypothec or privilege on the said lands, water works, and property appertaining thereto, for securing the payment of the said debentures, and the interest thereon.

Application of revenue.

**36.** After the construction of the works, all the revenues arising from or out of the supplying of water, or from the real or personal property connected with the said water works, to be acquired by the said corporation under this Act shall, after providing for the expenses attendant upon the maintenance of the said water works, be paid over to, and deposited monthly with the treasurer of the said corporation of the Town of Peterborough, as hereinbefore provided, and shall make part of the general funds of the corporation, and may be applied accordingly



**37.** The corporation of the Town of Peterborough may dispose of any real or personal property acquired by them for water works purposes, when no longer required, and until sold, demise and lease the same. Property not required may be disposed of.

**38.** This Act shall not have any force or effect until the council of the corporation of the Town of Peterborough shall pass a by-law authorizing the construction of the said water works; but no by-law shall be passed, firstly, until estimates of the intended expenditure have been published for one month, and notice of the time appointed for taking a poll of the electors on the proposed by-law, has been published for one month, and a copy of the proposed by-law at length, as the same may be ultimately passed in council (except the date thereof,) has been published for one month in some newspaper in the Town of Peterborough; nor, secondly, until a poll has been held in the same manner and at the same places, and continued for the same time as at elections for council men, and unless a majority of the electors voting at the poll vote in favour of the by-law; nor, thirdly, unless the by-law is thereafter passed at some meeting of the council of the corporation of the Town of Peterborough, held not less than ten days after taking the said vote, nor more than one calendar month, and at some meeting of said council. By-law for construction to be submitted to electors, &c.

**39.** If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the current year. Rejecting by-law.

**40.** The by-law shall recite (1) the title of this Act, (2) the amount of the estimated expenditure for water works, (3) the amount of debt which it is intended to create by the construction of said water works, which shall not exceed the amount of debentures authorized to be issued by this Act; Recitals in by-law.

(2.) The council of the town of Peterborough shall name the returning officers and poll clerks to take the votes. Returning officers.

(3.) The electors entitled to vote shall be such rate payers only as are voters on the last revised assessment roll of the town of Peterborough, for an estate of freehold, either legal or equitable, of sufficient value to entitle them to vote at any municipal election, or of a leasehold, the duration of which shall not be less than ten years, or for life, and in the lease for which leasehold the lessee covenants to pay all town taxes; and the clerk shall furnish the returning officers with a verified list of the electors; Qualification of electors.

(4.) Any rate payer offering to vote on any such by-law may be required by the returning officer, or any ratepayer entitled to vote, on any such by-law, to make the following oath or affirmation before his vote is recorded: Electors may be required to take an oath.

"I, A. B., do solemnly and sincerely make oath (or affirm, as the case may be) that I am the person named, or purporting to be named in the list of electors; that I am a freeholder, or leaseholder

leaseholder (as the case may be) ; that my lease extends for the period of ten years from the time of making this oath or affirmation (or for life) ; that I am bound in such lease to pay all town taxes, and that I am, according to law, entitled to vote on the said by-law ;

Electors may vote in each ward where qualified.

(5.) An elector may vote in each ward of the town in which he shall have the necessary qualification ;

Return of returning officer.

(6.) Every returning officer shall, on the day after the closing of the poll, return his poll book verified, to the clerk of the town of Peterborough ; and in case of the loss or destruction of the poll book, deliver a statement under oath, of the number of votes for and against the said by-law, at the time of the loss or destruction of the poll book ;

Town clerk to add up votes.

(7.) The town clerk shall add up the number of votes for and against the same, and certify to the council whether the majority have affirmed or disapproved of the by-law.

Irregularities in by-laws or debentures not to invalidate them.

41. No irregularity in the passing of the said by-law, or in the form of the said debentures, authorized by this Act, in the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of said debentures and interest in any or either of them, or any part thereof.

Number of commissioners.

42. There shall be three commissioners, of whom the Mayor of the Town of Peterborough for the time being, shall be *ex-officio* one, and two of whom shall be elected by the rate payers of the said town, qualified by municipal law to vote for councilmen, in manner and for the term hereinafter mentioned and provided ; and the remuneration of the said commissioners shall be such as the council of the corporation of the town of Peterborough may, by by-law before their election, determine.

Their remuneration.

Term of office.

43. The said water commissioners shall hold office for the term of one year, except the commissioners first elected, who shall hold office until the third Monday of January next following their election ; and after the said first election, the commissioners shall be elected to the said office at the same time and in the same manner as councilmen ; and all the provisions and remedies of the Municipal Institutions Act, at any time in force with respect to councilmen, shall apply in all particulars not inconsistent with this Act, to the said commissioners as to election, unseating, filling vacancies, grounds of disqualification and otherwise.

Election of commissioners

44. Whenever the by-law authorizing the construction of the said water-works shall have been finally passed by the council, a meeting of the electors of the said Town shall take place for the nomination of two persons for the office of water commissioners, at such place as the council shall by by-law appoint ; and the proceedings at such meeting shall be similar as in the case of the nomination for councilmen ; but in case it become

become necessary to adjourn the proceedings by reason of more than the necessary number of candidates being proposed, such adjournment for holding the election shall be until the first Wednesday thereafter, being not less than five clear days, when a poll shall be opened in each ward of the Town at the place or near thereto where the then last municipal election was held, and in all particulars the election shall be conducted in the same manner as an election for councilmen.

**45.** A water commissioner may resign his office and shall cease to hold office for the same causes as by municipal law the seat of a councilman in the council becomes vacant; in case of a vacancy in the office of water commissioner during the term of his office, the council of the corporation of Peterborough shall appoint a person to fill the vacancy, and the person so appointed shall hold office for the residue of the term for which his predecessor was elected or appointed, for which the office is to be filled. Vacancy.  
Council to appoint.

**46.** The said works shall be constructed, completed and finished except as to the laying of additional pipes and mains, within three years from the passing of said by-law authorizing the construction of said water-works. Time for completion of the works.

**47.** All work under the commissioners shall be performed by contract. Work to be done by contract.

**48.** No commissioner or councilman shall personally have or hold any contract in connection with said works or be directly or indirectly interested in the same or any of them; no councilman shall be eligible for election or appointment as a water commissioner, and no water commissioner as councilman. Qualification of commissioners

**49.** The water commissioners shall have the same property qualification as by municipal law councilmen are required to have, over and above all encumbrances, and shall before taking office, and within ten days of their election or appointment, make oath to such qualification before some Justice of the Peace of the County of Peterborough, and deposit the same with the Town Clerk of the corporation of the Town of Peterborough. Commissioners property qualification.  
Oath of office.

**50.** Notwithstanding the provisions of this Act authorizing the construction of the said water-works through the agency of commissioners, the Corporation of the Town of Peterborough in the by-law authorizing the construction of said water-works, and referred to in the thirty-eighth section of this Act, may declare that the said water-works shall not be constructed by or through the agency of commissioners, but instead thereof that the said water works shall be constructed directly by the said Corporation of the Town of Peterborough; and in case the said corporation shall so desire to construct the said water-works then all the powers, rights, authorities, duties and liabilities Water works may be constructed by the corporation.



ties by this Act given to, granted or vested in the said commissioners, shall be vested in the said corporation, and the said corporation shall be vested with all the powers, privileges and immunities necessary for carrying into effect the intentions and objects of this Act.

Water works may be constructed by a company.

**51.** In case the Corporation of the Town of Peterborough shall not see fit to construct the said water-works by or through the agency of commissioners, or directly by the said corporation, the said corporation may in the by-law referred to in the thirty-eighth section of this Act, declare it advisable to have the said water-works constructed either by a corporate water company or by any other person or persons, and the said corporation may grant aid for the construction, in such manner as they may consider expedient.

Proceedings if the town construct the works.

**52.** In case the Corporation of the Town of Peterborough shall desire to construct the said water-works by either of the modes provided by the last two preceding sections of this Act, such mode shall be first approved of by a majority of the qualified voters, voting upon any by-law to be submitted for that purpose, and the question or questions respecting the adoption of either of such modes may be submitted by the council of the said corporation, for the approval of the qualified voters in the proposed by-law, mentioned in the thirty-eighth section of this Act, and the votes shall be given on each specific question which may be submitted, or the same may be submitted separately.

Corporation may confer certain powers on persons constructing the works.

**53.** The Corporation of the Town of Peterborough shall have full power by by-law to confer on any person or persons, or corporations that may undertake the construction of said water works, all the powers privileges and immunities necessary to acquire the lands, water and privileges necessary for the establishment and construction of said water-works and the management thereof when constructed, which by this Act are conferred upon the commissioners or the Corporation of the Town of Peterborough.

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## CAP. LXXIX.

### An Act respecting Water Works in the Town of Windsor.

[Assented to 24th March, 1874.]

Preamble.

**W**HEREAS, the corporation of the Town of Windsor have at an expense of one hundred thousand dollars established Water Works for the supply of water for culinary and

and other purposes to the inhabitants of Windsor, and the protection of property therein from fire : And whereas, the Municipal Council of the Corporation of the Town of Windsor have by petition, asked for an Act to provide for the better working, management and extension of the said water works, and to legalize and confirm by-law number two hundred and four, passed by the Town Council of Windsor, and approved by the ratepayers in aid of water works, and it is expedient to grant the prayer of said petitioners :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the province of Ontario, enacts as follows :

1. The water works already constructed or that may hereafter be constructed in the Town of Windsor, or in any adjacent municipality in extension thereof, under the provisions of this Act, shall be placed under the management of commissioners, and their successors, to be elected and appointed as hereinafter provided, who shall have power to design, construct, build, purchase, improve, alter, hold, and generally maintain manage and conduct water works, and all buildings, matters, machinery and appliances therewith connected or necessary thereto, in the Town of Windsor, and parts adjacent as hereinafter provided.

Water works  
to be placed  
under manage-  
ment of com-  
missioners.

2. The commissioners and their successors shall be a body corporate under the name of the "Water Commissioners of the Town of Windsor," and shall be composed of three members of whom the Mayor of the Town of Windsor for the time being shall be *ex-officio* one ; and the said commissioners shall have all the powers necessary to enable them to manage the system of water works now established, to extend the same, to construct new or additional ones, and to carry out all and every the other powers conferred upon them by this Act.

Incorporation  
of commis-  
sioners.

3. It shall be the duty of the said commissioners to examine, consider, and decide upon all matters relative to the supplying the Town of Windsor, with a sufficient quantity of pure, and wholesome water for the use of its inhabitants.

Duties of com-  
missioners.

4. The commissioners shall have power to employ engineers, surveyors and such other persons, and to rent or purchase such lands, buildings and privileges, as in their opinion may be necessary to enable them, to fulfil their duties under this Act.

Powers of com-  
missioners.

5. It shall and may be lawful for the said commissioners, their agents, servants and workmen from time to time, and at such times hereafter, as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands already set apart and used or occupied for water works purposes by the municipal council of the corporation of the Town of Windsor, and into and upon the lands of any person or persons, bodies politic or corporate in the Town of Windsor

Power to ac-  
quire lands.

Differences to  
be referred to  
arbitration.

Lands of  
infants, &c.

Award of  
arbitrators.

Meeting of  
arbitrators.

Oath of arbi-  
trators.

Setting aside  
award.

Windsor, or within ten miles of the said Town, and to survey set out and ascertain such parts thereof, as they may require for the purposes of the said water works, and to contract with the owner, or occupier of the said lands, and those having the right of any privilege that may be required for the purposes of the said water commissioners; and in case of any disagreement between the said commissioners, and the owners or occupiers of such lands, or any such privilege as aforesaid, respecting the amount of purchase or value thereof, or as to the damages such appropriations shall cause to them or otherwise, the same shall be decided by three arbitrators to be appointed as hereinafter mentioned; namely, the commissioners shall appoint one, the owner or owners shall appoint another, and such arbitrators shall within ten days after their appointment, appoint a third arbitrator; but in the events of such two arbitrators not appointing a third arbitrator within the time aforesaid, the Judge of the County Court of the County of Essex, shall on the application by either party appoint such third arbitrator; in case any such owner or occupiers shall be an infant, married woman, or insane, or absent from this Province, or shall refuse to appoint an arbitrator on his behalf, or in case such land or water privileges may be mortgaged, or pledged to any person or persons, the Judge of the County Court of the County of Essex, on application being made to him for that purpose by the commissioners, shall nominate and appoint three indifferent persons as arbitrators; the arbitrators to be appointed, as hereinbefore mentioned, shall award, determine, adjudge and order the respective sums of money which the said commissioners shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators in writing shall be final; and said arbitrators shall be, and they are hereby required to attend at some convenient place at or in the vicinity of the said town, to be appointed by the said commissioners, after eight days' notice given for that purpose by the said commissioners, there and then to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and also the costs attending said reference and award; and each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace in and for the said County of Essex, or the Police Magistrate or Mayor for the said Town of Windsor, well, and truly to assess the value or damages between the parties to the best of his judgment; and the Justice of the Peace or Police Magistrate or Mayor before whom the said arbitrators or any of them, shall be sworn, shall give either of the parties requiring the same a certificate to that effect; Provided always, that any award under this Act, shall be subject to be set aside on application to the Court of Queen's Bench, or Common Pleas, in the same manner, and on the same grounds, as in ordinary cases of arbitration, in which case a reference may be again made to arbitration, as hereinbefore provided; and any sum so awarded shall be paid within three calendar months from the date of the award



award, or determination of any motion to annul the same; and in default of such payment, the proprietor may resume possession of his property, and all his right shall thereupon revive; and the award of the majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

6. The lands privileges and water which shall be ascertained, set out or appropriated by the said commissioners for the purposes thereof, as aforesaid, shall thereupon and forever thereafter be vested in the corporation of the town of Windsor and their successors, and it shall and may be lawful for the said commissioners and their successors to construct, erect and maintain in and upon the said lands all such reservoirs, water-works and machinery requisite for the said undertaking, and to convey the water thereto and therefrom in, upon or through any of the grounds and lands lying intermediate between the said reservoirs and water works and the said town of Windsor, by one or more lines of pipes, as may from time to time be found necessary; and for the better effecting the purposes aforesaid the said commissioners and their successors and servants are hereby empowered to enter and pass upon and over the grounds, roads, highways, railways and lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same, and in, upon, over, under and through the highways, railways and roads within ten miles of the town of Windsor, and in, through, over and under the lands, grounds and premises of any person or persons, bodies corporate or politic, and to set out, ascertain, use and occupy such part or parts thereof as they, the said commissioners or their successors shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering or repairing the same, and for distributing water to the inhabitants of the town of Windsor, or for the uses of the corporation of the said town, or of the proprietors or occupiers of the lands through or near which the same may pass, and for this purpose to sink and lay down pipes, tanks, reservoirs and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the said commissioners or their successors shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained in case of disagreement by arbitration as aforesaid; and all such water works, pipes, erections and machinery requisite for the said undertaking shall likewise be vested in and be the property of the said corporation of the town of Windsor.

Lands, &c.,  
acquired by  
commissioners  
to be vested in  
town of Wind-  
sor.

Construction  
of works, lay-  
ing pipes, &c.

Works to be-  
long to town.

7. If any person shall wilfully or maliciously hinder or in-  
terrupt, or cause or procure to be hindered or interrupted, the  
said

Injury, &c., to  
works.

said commissioners or their managers, contractors, servants, agents, workmen or any of them in the exercise of any of the powers and authorities in this Act authorized and contained; or if any person shall wilfully or maliciously let off or discharge any water so that the same shall run waste or useless out of the said works; or if any person shall throw or deposit any injurious, noisome or offensive matter into the said water or water works, or upon the ice, or in any way foul the same, or commit any wilful damage or injury to the works, pipes or water, or encourage the same to be done, every person offending in any of the cases aforesaid shall, on conviction thereof before any justice of the peace having jurisdiction within the locality where the offence shall be committed, forfeit and pay for every such offence a sum not exceeding twenty dollars, together with the costs of conviction, one half to be applied to the use of the commissioners for water works purposes, and the other half to him or her who shall lay information; and in case the parties suing for the same shall be the commissioners themselves or any of their servants, officers, agents or workmen, then the whole of the said penalty shall be applied to the uses of the commissioners for water works purposes; and such justice may also in his discretion further condemn such person to be confined in the common gaol of the county of Essex for any period not exceeding one calendar month as to such justice shall seem meet, and such person or persons so offending shall be liable to an action at law, at the suit of the commissioners, to make good any damage done by him, her or them.

Exemption  
from execu-  
tion.

8. All materials procured or partially procured under contract with the commissioners and upon which the said commissioners shall have made advances in accordance with such contract shall be exempt from execution.

Books and ac-  
counts of com-  
missioners.

9. The said commissioners shall be, and they are hereby required to keep or cause to be kept, regular books of account, and books for recording the whole of their official proceedings; and the commissioners and the clerks employed in their service, shall be sworn before a Justice of the Peace to the faithful performance of their duties; and all such books shall be open to the examination of any councillor of the Town of Windsor, or of any person or persons appointed for that purpose by the Corporation of the town of Windsor; and shall annually on or before the thirty-first day of December, in each and every year, make a report to the Corporation of the Town of Windsor, of the condition of the works under their charge, accompanied by a statement of their receipts and expenditure on account of the same.

Annual state-  
ment.

Full statement  
to be delivered  
to council an-  
nually.

10. The commissioners and their successors shall from time to time in each year, deliver to the council of said Corporation such other statement of the affairs of the said water works, as the said Corporation may consider necessary, and which will afford

afford to the ratepayers of Windsor a full and complete knowledge of the state of affairs of the said water works, and such information as may be required by the Corporation of the Town of Windsor, and all the accounts relating to the said water works, may be audited by the auditor of the said Corporation in regular course.

**11.** The commissioners for the time being shall regulate the distribution and use of the water, in all places and for all purposes where the same may be required; and from time to time shall fix the prices for the use thereof, and the times of payment; and they may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purpose the same shall be used; all which they may change at their discretion: Provided always, that all hydrants, conduits, or other appliances, which the Corporation of the Town of Windsor may require under this Act, for the purpose of extinguishment of fires, shall be placed as the Corporation of the Town of Windsor shall direct, and shall be under their exclusive control and direction when erected.

Regulations  
for use of  
water.

Location of  
hydrants, &c.

**12.** The commissioners shall have power and authority, and it shall be their duty from time to time to fix the price, rate or rent, which any owner or occupant of any house, tenement, lot or part of a lot, or both, in through or past which the water pipes shall run, shall pay as water rate or rent, whether such owner or occupant shall use the water or not, having due regard to the assessment and to any special benefit and advantage derived by such owner or occupant, or conferred upon him or her or their property, by the water works and the locality in which the same is situated, and such water rate or rent, as shall be assessed by such commissioners upon such owner or occupant shall be, and continue a lien or charge, unless paid upon such real estate in the same way and manner as other taxes assessed on real estate in the said town of Windsor, are liens; and the Water Commissioners shall also have power and authority, from time to time, to fix the rate or rent to be paid for the use of the water by hydrants, fire plugs and public buildings.

Water rate.

**13.** All water rents and water rates, when collected, less disbursements by the commissioners, shall be paid over quarterly by the said commissioners to the Treasurer of the Town of Windsor.

Water rates to  
be delivered to  
treasurer of  
town.

**14.** The commissioners shall have power from time to time to make and enforce all necessary by-laws, rules and regulations for the general maintenance, or the management and conduct of the said water works, officers and others employed by them, not inconsistent with this Act; and for the collection of the said water rent and water rate; and for fixing the time and times (which shall be quarterly) when, and the places where, the same shall be payable; also for allowing a discount for prepayment;

By-laws as to  
management,  
&c.

Enforcing  
payment.



and in case of default in payment, to enforce payment by shutting off the water or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods and chattels in his or her possession, wherever the same may be found within the town of Windsor or the county of Essex, or of any goods and chattels found on the premises, the property of, or in the possession of any other occupant of the premises; such distress and sales shall be conducted in the same manner as sales are now conducted for arrears of town taxes, and the costs chargeable shall be those payable to bailiffs under the Division Court Act: Provided, that the attempt to collect such rates by any process hereinbefore mentioned, shall not in any way invalidate the lien upon such premises.

Commissioners  
may sue and  
be sued as a  
Corporation.

**15.** The commissioners may prosecute or defend any actions or process at law or in equity, by the name of "The Water Commissioners of the Town of Windsor," against any person or persons for money due for the use of the water, for the breach of any contract, express or implied, touching the execution or management of the works, or the distribution of the water, or of any promise or contract made to or with them, and also for any injury or trespass or nuisance done or suffered to the water courses, source of water supply, pipes, machinery, or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water, or for anything otherwise arising out of their said office as Commissioners.

Appointment  
of collectors,  
&c.

**16.** The commissioners by by-law shall have power, with the consent of the corporation of the town of Windsor, to employ the town collectors, assessors and such other persons as in their opinion may be necessary to carry out the objects of this Act, and to specify the duties of such persons so employed, and to fix their compensation; and all such persons shall hold their offices under the commissioners, at the pleasure of the commissioners, or as they shall determine by by-law in that behalf; and shall give such security as the commissioners shall from time to time require; and such assessors and collectors shall have as full power in the performance and enforcement of the matters to them committed as the assessors and collectors in the town of Windsor may by by-law possess and enjoy.

Security to be  
given.

Protection of  
commissioners.

**17.** The commissioners and their officers shall have the like protection in the exercise of their respective offices and the execution of their duties, as justices of the peace now have under the laws of this Province.

Using water  
without con-  
sent of com-  
missioners.

**18.** If any person or persons shall lay, or cause to be laid, any pipe or main to communicate with any pipe or main of the said water works, or in any way obtain or use any water thereof

thereof without the consent of the commissioners, he or they shall forfeit and pay to the commissioners, for water works purposes, the sum of fifty dollars, and also a further sum of five dollars for each day or part of a day, or night or part of a night such pipe or main shall so remain, which said sums together with costs of suit in that behalf, may be recovered by civil action in any court of law in the Province having civil jurisdiction to that amount. Penalty.

19. If any person shall bathe, or wash or cleanse any cloth, wool, leather, skin or animals, or place any nuisance or offensive thing within the distance of one mile from the source of supply, in the River Detroit or on Lake St. Clair, from which the water of the said water works is obtained, or shall convey, or cast, or throw, or put any filth, dirt, dead carcasses, or other noisome or offensive things therein, or within the distance as above set out, or cause, permit or suffer the water of any sink, sewer or drain to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in anywise tainted or fouled, every such person shall, on conviction thereof before any justice of the peace, be by such justice adjudged and condemned to pay a penalty for every such offence not exceeding twenty dollars, together with costs, one half to be applied for water works purposes, and the other half to him or her who shall lay the information, and in case the party laying such information be the commissioners themselves, or any of their officers or servants, then the whole of said penalty shall be applied to the uses of the commissioners for water works purposes, and such justice shall also in his discretion further condemn such person to be confined in the common gaol for a space of time not exceeding one calendar month, with or without hard labour, as to such justice may seem meet. Fouling the water  
Penalty.

20. It shall and may be lawful for the commissioners, and they are authorised and empowered to make such by-laws as to them shall seem requisite and necessary for prohibiting by fine not exceeding twenty dollars, for water works purposes, or imprisonment not exceeding one calendar month, the amount of such fine and duration of such imprisonment, and also the option between fine and imprisonment, with or without hard labour being always in the discretion of the Justice of the peace before whom any proceeding may be taken for enforcement thereof, any person being occupant, tenant or inmate of any house supplied with water from the said water works, from lending, selling or disposing of the water thereof, from giving it away or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than to his, her, or their own use and benefit, or from increasing the supply of water agreed for with the said Commissioners, or from wrongfully neglecting or improperly wasting the water as also for regulating the time, manner, extent and nature of the supply by the said works, the tenement or par-

Power to pass  
by-laws for  
preventing  
sale of water,  
and frauds on  
commissioners

ties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing relating to or connected therewith which it may be necessary or proper to direct, regulate or determine for issuing to the inhabitants of the town a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the Commissioners with regard to the water so supplied.

Service pipes may be laid and charged to owners of premises,

**21.** In all cases where a vacant space intervenes between the line of the street and the wall of the building into which the water is to be taken, the commissioners are empowered to lay the service pipes across such vacant space, and charge the cost of the same to the owners of the premises, such charge to be payable with the first payment of water rates, and to be collected in the same manner from the said owners.

but shall be under control of commissioners.

**22.** All connections made with the water pipes shall be provided with a good and sufficient stopcock therein which shall be protected by a box leading from the same to the surface of the earth and covered with a cast iron cover with the letters "water" thereon, and be so exposed as to be easily found, and the same shall be placed outside the lot, within one foot either of the line of the lot or sidewalk : such stopcock shall not be used by the water tenant except in cases of accident or for the protection of the building or the pipes and to prevent flooding of premises : the service pipe from the main to the stopcock, together with all branches, couplings, stopcock and apparatus placed therein shall be under the control of the Commissioners, and if any damage be done to this portion of the service pipe or its fittings either by neglect or otherwise, the Commissioners may repair the same and charge the amount to the occupant or owner of the premises.

Use of stopcock.

Taps.

**23.** All parties supplied with water by the commissioners, may be required to place only such taps for the drawing and shutting of the water, as may be approved of by the commissioners.

Non-liability for damage from pipes breaking.

**24.** Neither the water commissioners nor the corporation of the town of Windsor, shall be liable for damages caused by the breaking of any service pipe or attachment, or for any shutting off the water to repair mains or to tap the pipes, provided notice be given of the intention to shut off the water when the same is shut off more than six hours at any one time.

Power to inspect buildings.

**25.** It shall be lawful for the officers of the water commissioners and every person authorized by them for that purpose, to have free access at proper hours of the day, and upon reasonable notice given and request made for that purpose, to all parts of every building in which water is delivered and consumed.



**26.** If any person or persons, not being in the employment of the water commissioners, or not being a member of the fire brigade of the said town, and duly authorized in that behalf, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stopcock, chamber or hydrant chamber, by placing on it any building material, rubbish or otherwise, every such person shall on conviction before any of Her Majesty's Justices of the Peace, forfeit and pay for each offence a sum not exceeding twenty dollars for water works purposes or in default of payment to be imprisoned in the gaol of the county, for a term not exceeding thirty days; and each time the said hydrants are so interfered with, and each day or part of a day, night or part of a night said obstruction shall continue, shall be considered a separate offence.

Obstruction of  
hydrants, &c.

Penalty.

**27.** A majority of said commissioners shall constitute a quorum for the transaction of any business allowed or required by virtue of this Act.

Quorum of  
commissioners.

**28.** The water commissioners are hereby empowered to arrange for the extension of pipes in suburbs or partially built portions of the town, by allowing a deduction from the price charged for the water to such extent as the commissioners shall see fit, when the said pipes are laid at the cost of the parties under the directions of the commissioners and subject to their approval; or the commissioners may lay the pipes charging the said parties in addition to the usual water rates, a yearly interest upon the cost of such extension, which interest, or such portion thereof as shall then be due, shall be paid at the same time and collected in the same manner as the water rates.

Extension of  
water pipes to  
suburbs or  
town.

**29.** The water commissioners shall have power and authority to supply any corporation, person or persons with water, although not being resident within the town of Windsor, and may exercise all other powers necessary to the carrying out of their agreements with such corporation or persons, as well within the town of Sandwich and the townships of Sandwich, East and Sandwich West, as within the town of Windsor; and they may also from time to time make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory; provided that no power shall be exercised under this clause without the consent and approbation of the corporation of the town of Windsor.

Supplying  
water to others  
than residents  
of town.

**30.** The land, buildings, machinery, reservoirs, pipes, and all other real or personal property connected with or appertaining or belonging to the water works, shall be exempt from taxation.

Exemption  
from taxation.

**31.** If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall

Limitation to  
time for bring-  
ing prosecu-  
tions

shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of such action arising.

Powers of  
watchmen, &c.

**32.** The watchman and other officers of the water commissioners, when in the discharge of their duty, shall be ex-officio possessed of all the powers and authorities of officers of the peace.

Power to issue  
debentures.

**33.** For the purpose of acquiring the necessary lands, rights and privileges, for the extension and repairs of the said water works, or for the purpose of meeting the payment of any other matter or thing contemplated or allowed by this Act, the Corporation of the Town of Windsor shall have power to issue debentures of the said Town of Windsor, to be called "Water Works Debentures," for a sum of money not exceeding three hundred thousand dollars of lawful money of Canada, inclusive of the debentures for water works already issued, in such sums not less than one hundred dollars, or twenty pounds sterling money, as shall to said corporation seem expedient; which debentures shall become payable in manner, and at the times following, that is to say, within a period of thirty years, from the date of the respective issues thereof; and shall bear interest after a rate not exceeding seven per centum per annum; such interest to be payable half yearly; and shall have coupons attached for the payment of the said half yearly interest; and such debentures shall be signed by the Mayor and treasurer of said town for the time being; and may be made payable either in sterling or currency in this Province, Great Britain, or elsewhere, as to the Council of the Corporation of the Town of Windsor shall seem expedient; and the Corporation of the Town of Windsor and their successors shall, for the purpose of providing a sinking fund for the payment of the said debentures as aforesaid, and the interest on the same semi-annually, raise annually after the completion of said works, or at the expiration of three years from the date of the first issue of such debentures, such sums as may be necessary to pay the interest upon and provide a sinking fund to meet the whole of such debentures in full, as the same shall become due respectively, and shall order a rate for that purpose to be settled, imposed, and levied in each and every year to pay the said principal and interest on such debentures: But every by-law for raising upon the credit of the said municipality any money, additional to that already raised for water works purposes, shall, before the final passing thereof, receive the assent of the electors of the town of Windsor, in the manner provided for in the two hundred and thirty-first section of the Municipal Institutions Act; except that the Municipal Council of Windsor may raise by by-law or by-laws, without submitting the same for the assent of the electors of the town, any sum or sums, not exceeding in any one year, thirty thousand dollars for water works purposes.

Sinking fund-

**34.** Such debentures, when issued, shall be deposited in some of the chartered banks having an office in the town of Windsor, and the proceeds of such debentures shall be paid into some chartered bank and kept separate from any other funds of the said town, and the same shall only be paid out on the cheque of the Mayor and treasurer for the time being, of the town of Windsor, and the chairman for the time being of the said water commissioners, as may from time to time be required, for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act; and for the payment of interest accruing due on the said debentures during the period of the erection and completion of the said water works: Provided always, that nothing herein contained shall prevent the commissioners, should they deem it advisable so to do, from paying the contractor or contractors, or others, in debentures either at par or at such rate of discount as the commissioners shall in their judgment deem advisable, with the assent of the corporation of the town of Windsor thereto, nor from selling or negotiating the same, as to them may seem most expedient and advantageous to the interests of the town of Windsor.

Deposit and application of proceeds of debentures.

**35.** The water works already constructed, or to be constructed, together with the lands to be acquired for the purpose thereof, and every matter and thing therewith connected shall be, and they are hereby specially charged, pledged, mortgaged, and hypothecated for the repayment of any sum or sums borrowed by the said corporation for the construction of the said water works, notwithstanding anything that may be contained in the by-laws whereon the said sum of one hundred thousand dollars has already been borrowed, and for the repayment of any sum or sums which may be borrowed by the said corporation for the extension of the said water works, as well as for the due and punctual payment of the interest thereupon; and all, each and every of the holders of the said debentures shall have a preferential pledge, mortgage, hypothec, or privilege on the said lands, water works, and property appertaining thereto, for securing the payment of the said debentures and the interest thereon.

Holders of debentures to have a lien upon works.

**36.** All the revenues arising from or out of the supplying of water or from the real, or personal property connected with the said water works, to be acquired by the said corporation under this Act, shall after providing for the expenses attendant upon the maintenance of the said water works, be paid over to, and deposited quarterly with the treasurer of the said corporation of the Town of Windsor, as hereinbefore provided, and shall make part of the general funds of the corporation, and may be applied accordingly.

Application of revenue.

**37.** The corporation of the Town of Windsor, may dispose of any real or personal property acquired by them for water works

Town may dispose of property acquired



for water  
works pur-  
poses.

works purposes, when no longer required, and until sold, demise and lease the same.

Number of  
election of  
commissioners.

**38.** There shall be three commissioners of whom the mayor of the Town of Windsor, for the time being, shall be ex-officio one, and two of whom shall be elected by the ratepayers of the said town, qualified by municipal law to vote for councillors, in manner, and for the term hereinafter mentioned and provided, and the remuneration of the said commissioners shall be such as the council of the corporation of the Town of Windsor may by by-law, before their election, determine.

Term of office.

**39.** The said water commissioners shall hold office for the term of two years, except the commissioners first elected, who shall determine by lot which of them shall retire first; the one retiring first shall hold office until the third Monday in January following his election, and the second until the third Monday in January following the first year of his election; and after the said first election, the commissioners shall be elected to the said office, at the same time, and in the same manner, as the mayor and reeves, and all the provisions and remedies of the Municipal Institutions Act at any time in force with respect to councillors shall apply in all particulars, not inconsistent with this Act, to the said commissioners, as to election, unseating, filling vacancies, grounds of disqualification, and otherwise.

Municipal Act  
to apply.

Nomination of  
commissioners.

**40.** After the passing of this Act, a meeting of the electors of the said town shall take place, for the nomination of two persons for the office of water commissioners, at such time and place, as the council shall by by-law appoint; and proceedings at such meeting shall be similar as in the case of the nomination for mayor and reeves; but in case it become necessary to adjourn the proceedings by reason of more than the necessary numbers of candidates being proposed, such adjournment for holding the election, shall be until the first Wednesday thereafter, being not less than five clear days, when a poll shall be opened in each ward of the town, at the place, or near thereto, where the then last municipal election was held; and in all particulars the election shall be conducted in the same manner as an election for mayor and reeves.

Poll.

Commissioners  
may resign.

**41.** A water commissioner may resign his office, and shall cease to hold office for the same cause as by municipal law the seat of a member of the town council becomes vacant; and in case of a vacancy in the office of water commissioner during the term of his office, the vacancy shall be filled in the same manner as provided in the Municipal Institutions Act as to vacancies in the council of a town.

Works to be  
contracted for.

**42.** All work under the commissioners shall be performed by contract.

**43.** No commissioner or member of the town council shall personally have or hold any contract in connection with said works, or be directly or indirectly interested in the same or any of them : no member of the council shall be eligible for election or appointment as a water commissioner, and no water commissioner as a member of the council.

Councilmen  
not to hold  
contracts or be  
eligible to  
office

**44.** The water commissioners shall have the same property qualification as, by municipal law members of the town council are required to have over and above all incumbrances ; and shall, before taking office and within two weeks of their election or appointment, make oath to such qualification before some justice of the peace of the town of Windsor or County of Essex, and deposit the same with the Town Clerk of the Corporation of the Town of Windsor.

Qualification  
of commis-  
sioners.

**45.** Notwithstanding the provisions of this Act, authorizing the working, management and extension of the water works of the said Town of Windsor through the agency of commissioners, if the Corporation of the town of Windsor shall desire to retain the working and management in its own hands, then all the powers, rights, authorities, duties and liabilities by this Act given to, granted and vested in the said commissioners shall be vested in the said Corporation, and the said Corporation shall be vested with all the powers, privileges and immunities necessary for carrying into effect the intentions and objects of this Act.

If town Corpo-  
ration wish to  
manage works,  
power of com-  
missioners  
given to them.

**46.** The by-law No. 204 of the Corporation of the town of Windsor intituled "A by-law to raise by way of loan the sum of \$40,000, to aid in the construction of water works in the town of Windsor," passed by the Town Council after having been approved by the rate-payers of the said Town of Windsor, is hereby declared legal, and the debentures issued under the said by-law binding and valid upon the said Corporation of the town of Windsor the same as if no defect existed in said by-law, any law or statute to the contrary, notwithstanding.

A certain by-  
law declared  
valid.

**47.** Nothing in this Act contained shall extend or be construed to extend to diminish the power and authority of the Corporation aforesaid, hereafter to borrow on the credit of the said town, for the general uses and purposes of the said town, as fully and effectually as though the said town were not indebted for the building of the water works as aforesaid, or that debentures had not been issued by them for the amount, or as if this Act had not been passed, any act, statute or law, or provision thereof to the contrary, notwithstanding.

Act not to pre-  
vent town bor-  
rowing money.

## CAP. LXXX.

An Act to enable the Corporation of the Village of Southampton, in the County of Bruce, to dispose of certain lands.

[Assented to 24th March, 1874.]

Preamble.

**W**HEREAS, the corporation of the Village of Southampton, in the County of Bruce, have by their petition represented that the Market Square Reserve, situated on High street in the said village, and bounded on the north by High street aforesaid, on the south by Palmerston street, on the east by Victoria street, and on the west by Albert street, containing over six acres, is situated in the principal business portion of the said village, and is far too large for market purposes, and that in its present unoccupied state, it retards the progress of the said village, and that the said corporation lately caused the said reserve to be surveyed by Provincial Land Surveyor Cyrus Carroll, and a plan thereof to be made, setting apart certain portions thereof into building lots, but that doubts having been raised as to their power to lease or sell any part of the said reserve, and as to their right thereto, being of a fiduciary character, a cloud has been cast upon their title deed, and it has been found impossible for them to dispose of any of the said lots; And whereas the said corporation have prayed for an Act to enable them to lease or sell for building purposes such portions of the said reserve as are no longer required for market purposes:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to  
Village of  
Southampton  
to sell market  
square.

**1.** The corporation of the Village of Southampton shall have the same power as any subject of Her Majesty has, in regard to land possessed by him in fee simple absolute, to lease, sell, convey and dispose of, in fee simple absolute, such portions of the said Market Square Reserve on High street in the said village as are divided into building lots, according to the plan or survey of Provincial Land Surveyor, Cyrus Carroll, made for the said corporation, freed and exonerated from any trust or purposes whatsoever, for which the same may now be held by the said corporation.

Form of con-  
veyance.

**2.** Every disposition of, or contract in regard to, the said lands or any part thereof shall be under the seal of the said corporation and signed by the head and clerk thereof, for the time being.

Application of  
proceeds of  
sale.

**3.** The proceeds of any and every disposition by the said corporation of the said lands under this Act shall be held and applied by it for municipal purposes.



4. Provided, that before any portion of the said lands shall be so disposed of, the said corporation shall submit a by-law for the consent of the ratepayers of the said village thereto, according to the Municipal Act or Acts now in force.

Consent of ratepayers to sale to be first obtained.

## CAP. LXXXI.

### An Act respecting a Concession Line in the Township of Sandwich East, in the County of Essex.

[Assented to 24th March, 1874.]

**W**HEREAS the Municipal Council of the Corporation of Sandwich East, in the County of Essex, and the parties interested in the road hereinafter mentioned, have petitioned that the line of road, in rear of the third concession of the said township, shall be defined by statute, and have shown sufficient reason for legislation in the premises :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows :

1. The line of the road in rear of the third concession of the township of Sandwich East, parish of L'Assumption, in the county of Essex, of this Province, shall be, and is hereby declared to be the line which was surveyed and laid down and marked by stone monuments, by Frederick L. Foster, provincial land surveyor, under authority and by direction of the Commissioner of Crown Lands, in manner shown and described in and by his report and plan of survey of the said line, dated fourteenth June, eighteen hundred and seventy, confirmed by the said Commissioner, and filed in the Department of Crown Lands.

F. L. Foster's line in 3rd concession Sandwich East confirmed.

2. This Act shall not in any way affect the rights of owners of real estate, except in so far as applies to the land occupied by the said road.

Effect of Act on owners of land.

## CAP. LXXXII.

An Act respecting a Concession Line in the Township of Sandwich West, in the County of Essex.

[Assented to 24th March, 1874.]

Preamble.

**W**HEREAS the Municipal Council of the Corporation of Sandwich West, in the County of Essex, and the parties interested in the road hereinafter mentioned, have petitioned that the line of road between the second and third concessions of the said township shall be defined by Statute, and have shown sufficient reasons for legislation in the premises :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

E. R. Jones' line between 2nd and 3rd concession Sandwich West confirmed.

**1.** The line of road between the second and third concessions of the Township of Sandwich West, Parish of Petite Cote, in the County of Essex, of this Province, shall be and is hereby declared to be the line which was surveyed, and laid down and marked by stone monuments, by Edward R. Jones, Provincial Land Surveyor, under authority and by direction of the Commissioner of Crown Lands, in manner shown and described in and by his report and plan of survey of the said line, dated the fourteenth day of December, one thousand eight hundred and sixty-two, confirmed by the said Commissioner, and filed in the department of Crown Lands.

Effect of Act on owners of land.

**2.** This Act shall not in any way effect the right of owners of real estate, except in so far as applies to the land occupied by the said road.

## CAP. LXXXIII.

An Act to reunite the North and South Ridings of the County of Huron, for the purposes of Registration of Titles.

[Assented to 24th March, 1874.]

Preamble.

**W**HEREAS the Warden and Municipal Council of the County of Huron have, by their petition, represented that the division of the said County of Huron into North and South Ridings thereof, for the purposes of Registration of Titles, is inconvenient to the people of the North and South Ridings of the said county, and is unnecessary, and have prayed that the North and South Ridings of the said County of Huron should

should be reunited for the purpose of Registration of Titles, and it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

**1.** Upon, from and after the first day of October next, the North and South Ridings of the said County of Huron shall be reunited for the purposes of Registration of Titles, and the whole County of Huron shall, upon, from and after the said day, form one such Registration Division or County ; the Registry Office for the said County of Huron shall be kept in the Town of Goderich, in the said county ; and the appointment of a Registrar for the North Riding of the said County of Huron shall have no further effect, upon, from and after the said day.

North and South Ridings of Huron reunited for Registration purposes.

**2.** Upon, from and after the day last mentioned aforesaid, all memorials, certificates, register books, calendars, instruments, documents and papers relating to the registration of, or other instruments or documents and papers relating to the registration of, or other instruments or documents affecting real estate in the North Riding of the County of Huron, and registered in the Registry Office at the Village of Blyth, or in any way forming part of the records and memorials of the said Registry Office, shall be transferred to the Registry Office for the County of Huron, to be kept at the Town of Goderich, and shall make and form part of the registers, records, and muniments of the said office, and the same shall rank in the order and date of their registry in the said North Riding, as if they had in such order and date been registered in the Registry Office for the said County of Huron ; and the Registrar of the said county shall have the same powers and duties with respect to them, and to all searches, certificates and other matters relating to them, as if the registration of the deeds, instruments, and documents to which they relate had been effected in the said Registry Office in the Town of Goderich.

Memorials, &c., to be deposited in the Registry Office at Goderich.

**3.** Upon the day above mentioned, the County Council of the said County of Huron, shall cause to be paid to William Torrance Hays, Esquire, now Registrar of the North Riding of the said county, or, if he shall die on or after the said day, and before payment, then to his executors or administrators, the sum of seven thousand five hundred dollars, as compensation in full, for the loss of said office.

Allowances to W. T. Hays.



## CAP. LXXXIV.

## An Act to Incorporate the North American Despatch Company.

[Assented to 24th March, 1874.]

## Preamble.

**W**HEREAS William Alexander Thomson, Sidney Dillon, and others, have by their petition prayed that they may be incorporated as a rolling stock company, with power to own, lease, hire and work railway rolling stock and other plant and property necessary for transportation purposes: And whereas it is expedient to grant the prayer of said petition: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## Incorporation.

**1.** William Alexander Thomson, Milton Courtright, P. L. Cable, David Dows, Sidney Dillon, W. L. Scott, E. A. Wickes, together with all such other persons as shall become shareholders in the company hereby constituted, shall be and are hereby made a body corporate and politic under the name of "The North American Despatch Company."

## Name.

## Powers.

**2.** The said company are hereby authorized and empowered to own, manufacture, construct, purchase, lease, hire, or otherwise become possessed of, and work and use, and, when they so desire, sell and dispose of, railway cars or railway rolling stock; and the company may lease, let or hire the same, if so desired, to any railway company or other company or individual, on such terms as may be agreed upon.

## Authority to mortgage movable property.

**3.** The said company is hereby authorized to mortgage or hypothecate all or any of such cars, rolling stock, or other the movable effects of the company, either generally or mentioning them specifically as security for the due payment of any bonds issued or other debt incurred by them: Provided that any mortgages made for that purpose shall not be valid unless they shall be filed within one month after their execution with the clerk of the county court of the County of Elgin, accompanied by an affidavit made by an officer of the said company, or any other person interested in the said mortgage either as principal or agent, that such mortgages are made for the *bona fide* purpose for which they may purport to be made; and the Acts relating to chattel mortgages and sales and pledges of personal property shall not apply to such mortgages.

## Chattel Mortgage Act suspended.

## Power as to real estate.

**4.** The said company may from time to time purchase, hire, lease and hold such real or immovable property as may be necessary or useful for the prosecution of their business; and may sell

sell, lease or otherwise dispose of such property from time to time as may to them seem fit.

5. It shall be lawful for the said company to unite, amalgamate and consolidate its stock, property and franchises with the stock, property and franchises of any company incorporated, or which may be hereafter incorporated, and legally capable of making such union; and the directors of this company are hereby empowered to enter into all contracts and agreements therewith necessary to such union and amalgamation; Provided that such agreement shall be sanctioned by a majority of the stockholders present, in person or by proxy, at a meeting called to consider the terms of such agreement.

Power to unite  
with other  
companies.

6. The capital stock of the company shall be the sum of one hundred thousand dollars, in one thousand shares of one hundred dollars each, which said capital stock may be from time to time increased by a two-third vote of the majority of the stockholders at a meeting of the company called for the purpose, to an amount not exceeding one million dollars.

Capital stock  
and shares.

Increasing  
capital.

7. The capital stock shall be paid by the subscribers therefor, when, where and as the directors of the company shall require, or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may by vote, reciting the fact and duly recorded in their records summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provided. Provided always, that the notice of any such call shall be published for three weeks in the *Ontario Gazette*.

How the  
stock to be  
paid.

If not paid  
promptly  
interest to be  
charged.

Forfeiture for  
non-payment.

8. The stock of the company shall be deemed personal estate, and be assignable in such manner only and subject to such conditions and restrictions as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Stock, how  
assignable.

9. Aliens as well as British subjects and whether resident in this Province or elsewhere may be shareholders in the said company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to hold all offices as directors or otherwise in the said company.

Aliens may be  
shareholders.

Meetings and  
manner of vot-  
ing.

Proviso.

Directors, how  
elected, and  
qualification.

Vacancies how  
filled.

Powers of the  
board.

Copies of by-  
laws to be  
*prima facie*  
evidence  
thereof

**10.** At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company; and no shareholder being in arrear shall be entitled to vote; and all votes may be given in person or by proxy; Provided always, the proxy is held by a shareholder not in arrear and is in conformity with the by-laws.

**11.** The affairs of the company shall be administered by a board of seven directors, being severally holders of at least ten shares of stock, who shall be elected at the first general meeting, and thereafter at each annual meeting of the company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected; and three members of such board, present in person shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such board if they see fit, may fill the vacancy until the next annual meeting of the company, by appointing any qualified shareholder thereto: but a failure to elect directors, or any failure of directors shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose.

**12.** The board of directors shall have full power in all things to administer the affairs of the company; and to make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company) regulating the calling in of instalments on stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointments, functions, duties and removal of all agents, officers and servants of the company; the security to be given by them to the company; their remuneration, and that, if any, of the directors; the time and place for holding the annual and other meetings of the company; the calling of meetings of the company and of the board of directors; the requirements as to proxies; the procedure in all things at such meeting; the site of their chief place of business which shall be within the Province, and of any other offices they may require to have; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the company; but every such by-law and every repeal, amendment and re-enactment thereof shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; and every copy of any by-law under the seal of the company and purporting to be signed by any officer of the company shall be received in all courts of law as *prima facie* evidence of such by-law.



**13.** Until the first election of such board, P. L. Cable, W. A. Thomson, Sidney Dillon, W. L. Scott, E. A. Wickes, and Nicol Kingsmill, shall be a provisional board of directors of the said company; with full power to fill vacancies; to open stock books; assign stock; make calls for and collect instalments; issue certificates and receipts; convene the first general meeting of the company, at such time and place within this Province as they shall determine; and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

Provisional  
directors;

their powers.

**14.** The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Company not  
liable as trustee.

**15.** The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof, except as provided in the next following section.

Liability of  
shareholders  
defined.

**16.** The shareholders in this company shall be jointly and severally individually liable for all debts due and owing to any of the labourers and servants thereof for services performed for the company; but no shareholders in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company shall have been returned unsatisfied in whole or in part.

Shareholders  
liable for  
debts due to  
employees.

**17.** The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer and under the authority of a majority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the said company, and countersigned by

Negotiable  
instruments.

the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice-president, secretary or treasurer of the company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever, unless the same be given in respect of amounts due for wages or salaries to servants and employees of the company: Provided always, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money or as the notes of a bank.

Proviso.

Company may  
borrow money  
and issue  
bonds, &c.

**18.** The directors of the said company, after the sanction of the shareholders shall have been first obtained at a general meeting to be called from time to time for such purpose, shall have power to borrow from time to time for the purposes of the company hereby incorporated, either in this Province or elsewhere, such sums of money as may be expedient for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper, and to issue bonds, debentures or other securities for the sum so borrowed, and to make the same payable either in currency or sterling, and at such place or places within the Province or elsewhere, as may be deemed advisable, and to sell the same at such prices as may be deemed expedient, and to hypothecate, mortgage or pledge the lands, revenues and other property real and personal of the company, for the due payment of the said sums and the interest thereon; but no such debentures shall be for a less sum than one hundred dollars: Provided that such bonds, debentures and securities shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary of the said company, and under the seal of the said company.

Proviso.

When to com-  
mence busi-  
ness.

**19.** The company shall not commence operations under this Act until at least ten per centum of the amount of their capital stock shall have been paid into some chartered bank doing business in this Province.

Joint Stock  
Co'y Act not  
to apply.

**20.** The Joint Stock Companies' Clauses Consolidation Act of the Province of Canada shall not be construed to apply to the company hereby incorporated.

## CAP. LXXXV.

## An Act to incorporate The London Life Insurance Company.

[Assented to 24th March, 1874]

**W**HEREAS, Edward Harris, William Woodruff, John Walker, Joseph Jeffery and James Magee, all of the City of London, Esquires, have petitioned the Legislature of the Province of Ontario that a Company be incorporated under the name of "The London Life Insurance Company," for the purpose of carrying on the business of Life Insurance and of establishing Tontines and Mutual Benefit Societies, and it is expedient to grant their prayer;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :-

**1.** The persons hereinafter mentioned, after having complied with the requirements of this Act as to subscription of stock, and such persons as now are or hereafter shall become shareholders of the said Company, shall be and are hereby created, constituted and declared to be a body corporate and politic, by the name of "The London Life Insurance Company;" and by that name shall have perpetual succession and a common seal, with power to alter and change the same at pleasure; and may sue and be sued, contract and be contracted with in the corporate name aforesaid.

**2.** The stock of the Company shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act; provided that the Board of Directors may increase the amount of the capital stock at any time, or from time to time, to an amount not exceeding on the whole five hundred thousand dollars; but no subscriptions to stock shall be legal or valid unless ten per centum thereon shall have been actually and *bona fide* paid thereon, within five days after subscription, into one or more of the chartered banks of this Province, to be designated by the Directors, and not to be withdrawn therefrom except for the purposes of the Company.

**3.** None of the persons or bodies corporate who may subscribe for stock, shall be liable for any further sum than to the extent of the unpaid amount upon the stock subscribed for by them.

**4.** Until the first annual election hereafter provided for, the Provisional Board of Directors shall consist of Edward Harris, William Woodruff, John Walker, Joseph Jeffery, and James Magee.



Powers of provincial directors.

5. The Provisional Board of Directors shall have power to open stock books at such places as they may direct, and to keep the same open so long as they deem it necessary; and the number of Directors shall continue to be five, until at a general meeting of the shareholders their number be increased or decreased, but their number shall not be more than fifteen, nor less than five.

Meeting of election of directors.

6. When fifty thousand dollars of the capital stock is subscribed, and five thousand dollars paid in, the Provisional Directors shall by advertisement in one paper published in the City of London, and in the *Ontario Gazette*, call a meeting of shareholders to elect a Board of Directors to manage the affairs of the said Company under this Act.

Powers of directors.

7. The board shall have power to make calls for such sums or amounts, and at such times upon the shares or the respective shareholders as they may deem requisite for the purposes and interests of the Company, and to sue for and enforce the payment of the same, and may declare any shares forfeited on which such calls have not been duly paid, and may allot the same or any part thereof to any person or corporation, or sell the same or any part thereof; they shall also have power to fill vacancies in the Board from time to time as they occur; to appoint officers and agents and to fix their remuneration and term of office, and approve their duties, obligations and securities, and to remove or dismiss all officers; and generally to transact all necessary matters and things connected with the business of the Company; but no contract shall be valid unless made under the seal of the Company and signed by the president or vice-president or one of the Directors, and countersigned by the manager, except the "interim receipt of the Company" which shall be binding upon the Company on such conditions as may be thereon printed by direction of the Board. At all meetings of the Directors, a majority of the whole number of the Board shall be a quorum; and all questions before them shall be decided by a majority of votes; in case of an equality of votes the president, vice-president or presiding Director shall give the casting vote in addition to his vote as a Director: The Directors may also appoint honorary Directors or local Directors in any city or town in which the Company transacts business, with such duties and powers as they may deem proper for the supervision of the business of the Company in such places; but no person shall be qualified to be elected a Director unless he holds ten shares, nor as local Director unless he holds five shares in the stock of the Company, whereon the calls made shall have been paid.

Quorum.

Directors to fix rates of insurance.

8. The Board shall fix the rates at, and rules and conditions under which, the Company's policies and certificates shall be issued, sold or re-purchased, and shall have charge of the investment of the funds of the Company: Provided, that no tontine certificates shall be issued until ten thousand dollars are actually paid

paid in, and no policy of insurance shall be issued until twenty thousand dollars of such capital stock is paid in and invested. It shall be lawful for the Company to invest its funds in the Investments. debentures, stocks, or other securities of the Dominion of Canada, or of the Province of Ontario, or in municipal debentures, or in the debentures of any school section, or in the stock of any chartered or incorporated bank of the Dominion, or in the stocks, bonds or debentures of any of the building societies, or societies formed under the Acts relating to building societies in the Province of Ontario, the security of real estate or mortgage thereon, or in any loans collaterally secured by any of the above securities, or by assignment of its own policies, and may hold such real estate as shall have been *bona fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts or judgments recovered : Provided that all such real estate shall be sold within ten years from the time of its becoming absolute property of the Company ; and to facilitate the investment of money the Company may lend upon mortgage of real estate, or otherwise, sums repayable by successive instalments combining principal and interest ; and although the Company may not hold for its own purposes longer than ten years any real estate, other than the buildings in which its offices in various places may be, which it is hereby declared it may hold and possess, it may hold in trust for the purposes of tontines as long as the said tontines last, and for seven years thereafter, all manner of property, real or personal, under all such forms of trust as are lawful in the case of individuals. But the Business of company business of the Company shall be confined to Life and Accident Insurance, either separate or combined, and the formation and administration of classes of tontines of mutual benefit societies, except that it may insure against fire the property of persons in respect of whose properties it has an interest, and policies for such insurances may be granted in such manner and on such terms as the Board may direct ; and the sums to be paid for the use of the money on mortgage may in addition to interest be made to include the premiums for such insurances.

9. The Company may establish Mutual Benefit Societies, or Mutual benefit societies. may form distinct classes of Life Insurances policy holders on the mutual principle solely; and in such societies or classes the funds belonging thereto shall be held in trust for such societies or classes only, and the same shall not be held liable for any other obligations of, or claim upon the Company, nor shall members of such societies or classes so mutually insured have any claim upon the general assets of the Company ; but the Company may set aside a guarantee fund to assist in forming the said societies or classes, subject to such conditions as to rate of interest or repayment as may be at the time determined by the Board of Directors.

10. The Company shall have power to borrow money on the Power to borrow money. security of its debentures to an amount not exceeding one half the

the paid up amount of its capital stock and ten per centum on the amount of the Company's assets, requisite for the re-insurance of the Company's out-standing risks.

Transfer of shares.

**11.** The shares of the Company shall be transferable by the parties holding the same, according to the by-laws or rules of the Company; but no share shall be transferred until all calls thereon are paid; and the transmission of interest in any share of the stock of the Company in consequence of the marriage, insolvency or death of the shareholder, or by any other means than the ordinary transfer, shall be proved and regulated in such form as the Board may from time to time direct; and in any action for the recovery of calls or arrears of calls it shall be sufficient for the Company to allege and prove that the defendant, being an owner of shares therein according to the books of the Company, is indebted to the Company in respect of so many shares in the sums due; and at the trial it shall only be necessary to prove that the defendant was owner of shares and that the call was made according to the by-laws or rules of the Company.

Actions for calls.

Head office.

**12.** The head office of the Company shall be in the City of London, or elsewhere in the Province of Ontario, as may be determined by the shareholders.

Annual meeting.

**13.** Until otherwise determined by the Board, the books shall be annually balanced, as at the thirty-first day of December once in each year; and within three months from the first day of January a general meeting of shareholders shall be called by the Board, at which a full statement of the Company's affairs shall be submitted, and ten days' notice of such meeting shall be given by advertisement in one newspaper in the place where the head office is, and also by two insertions in the *Ontario Gazette*.

Notice of meeting.

Sale of votes.

**14.** At such general meeting, shareholders shall have one vote for each share on which all calls are paid; and votes may be cast in person or by proxy, but no proxy can vote unless he be a qualified shareholder; the shareholders shall at such meeting appoint directors by ballot, but all other proceedings shall be determined by open vote; but the Company shall not be dissolved by failure to elect directors as above.

Special meetings.

**15.** Special meetings of shareholders may be called by the directors, or on the requisition of shareholders holding one-third of the Company's stock; and ten days notice of such special meetings stating the objects for which they are called, shall be sent to each shareholder by mail: Lists of the shareholders shall be at all times accessible to any of them.

Company to make annual return to the Legislature.

**16.** The Company shall annually within fourteen days after the meeting of the Legislature of the Province of Ontario, make



a return of the amount of the capital stock subscribed and paid in, the assets and liabilities of the company in detail; the amount of cash actually received for premiums and from all other sources; the amount of cash paid for claims for lapsed or surrendered policies; for commissions; and all other expenditures; and the amount required to re-insure all out-standing risks, stating the table of mortality and the rate of interest on which such calculation is based.

17. The said company shall be subject to all general laws which may be enacted by the Legislature of the Province of Ontario, in reference to Companies carrying on the business of Life Insurance.

Company to be subject to general laws regarding life insurances.

### CAP. LXXXVI.

An Act to amend and extend the provisions of The Act incorporating the Ontario Mutual Life Assurance Company.

[Assented to 24th March, 1874.]

WHEREAS, the Ontario Mutual Life Assurance Company have prayed for certain amendments to their Act of incorporation, passed in the thirty-second year of Her Majesty's reign, and chaptered seventeen, intituled "An Act for incorporating the Ontario Mutual Life Assurance Company;"

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section four of said recited Act is hereby repealed, and the following section is hereby substituted and shall be read in lieu thereof:

4. The said corporation shall be in law capable of acquiring by purchase, lease or otherwise, and of holding absolutely any lands or tenements for their actual use and occupation in the course of their business, and the same may sell, let, convey, transfer and dispose of, as to them shall seem expedient: Provided always, that nothing in this Act shall be considered as permission to hold permanently any real estate beyond the annual value of five thousand dollars; and the corporation may also hold such real estate as shall have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts, or judgments which shall have been obtained for such debts; and it shall be lawful for the said corporation to purchase and hold for the purpose of investing therein any part of their funds or money, any of the public securities of the Dominion of Canada, or any of the Provinces forming or to form the said Dominion, or the bonds and debentures of any of the incorporated cities, towns or municipal corporations of Ontario; and also to sell and transfer the same, and again to renew such investments when and so often as due regard

Power to acquire lands.

Investments.

regard to the interest of the said corporation may require ; and also to make loans of the funds of the corporation on its policies, for sums not greater than their cash surrender values ; or on mortgage on real estate at any legal rate of interest, with power to receive such interest in advance or otherwise, and the same investments to call in and reloan as occasion may require : Provided always, that no director or officer of the company shall become a borrower of any of its funds ; and that all real estate mortgaged or conveyed in security as aforesaid, shall be sold and disposed of within seven years from the time of its becoming the absolute property of the corporation.

Sec. 8, repealed.

2. Section eight of said recited Act is hereby repealed, and the following section is hereby substituted and shall be read in lieu thereof :

Manner of fixing the premiums.

8. The directors of the said company shall determine the amount of the annual premiums to be paid by members of the company ; which premiums shall be based on the table of mortality, and the rate of interest named in the third section of this Act, and shall hold in hand, safely invested in the securities named in the first section of this Act, a sufficient part of such premiums to provide a reserve fund based on the actuaries' table or rate of mortality, and a rate of interest not exceeding five per centum, nor less than four.

Sec. 9, repealed.

3. Section nine of said recited Act is hereby repealed, and the following section is hereby substituted and shall be read in lieu thereof :

Reserve fund.

9. The premiums paid from year to year by the members of the said company, together with the interest accruing on investments, shall be such as to be sufficient to pay the claims made upon the company arising from the death of its members, and the expenses of its management, and form a reserve or re-assurance fund computed by the actuaries' table of mortality, and assuming that not more than five per centum nor less than four per centum interest, will be derived on such reserve, or re-insurance fund, and such reserve fund shall be invested from time to time, in such securities as provided for in section one of this Act.

Sec. 11, repealed.

4. Section eleven of said recited Act is hereby repealed, and the following section is hereby substituted and shall be read in lieu thereof :

Annual meetings.

11. The said company shall hold an annual meeting for the election of directors at such time in each year as may appear most expedient to the board of directors, of which meeting one month's notice shall be published in at least one local paper and in the *Ontario Gazette*, and circular sent by mail to the last known address of each member ; and at such annual meeting two auditors shall be appointed to audit the books and accounts of the company for the next ensuing year, and report thereon at the annual meeting following, one of such auditors

auditors shall be elected by open vote of the members present, and the other appointed by the president.

5. Section fifteen of said recited Act is hereby repealed, and the following section is hereby substituted and shall be read in lieu thereof: Sec 15, repealed.

15. The election of directors shall be held and made by such members of the company as attend for that purpose in their own proper persons or by proxy, all of which proxies shall be filed with the manager at least ten days before the election at which they are to be used; but no agent or sub-agent of the company shall receive or hold proxies for voting at meetings of the said company. Election of directors.

6. Section eighteen of said recited Act is hereby repealed, and the following section is hereby substituted and shall be read in lieu thereof: Sec. 18, repealed.

18. If at any time the office of any director shall become vacant by death, resignation, removal from the Province of Ontario, or absence from two successive regular meetings of the board without leave having been granted for such absence, such vacancy shall be filled for the remainder of the term by a person duly qualified, to be nominated by a majority of the remaining directors within a reasonable time after such vacancy occurs. Vacancies of office of director, how filled.

7. Section twenty of said Act is hereby repealed, and the following section is hereby substituted, and shall be read in lieu thereof: Sec. 20, amended.

20. The directors elected at such subsequent day shall have all the powers contained in this Act, as if elected on the annual day of election.

8. Sub-section six of section twenty-three of said recited Act, is hereby repealed, and the following sub-section is hereby substituted and shall be read in lieu thereof: Sec. 23, clause 6, amended.

(6) Determine the sum to be assured on the life of any person, and may re-assure in any other Life Assurance Company in the Dominion, such portion of such assurance as they may deem expedient.

9. Sub-section seven of section twenty-three of said recited Act is hereby repealed, and the following clause is hereby substituted, and shall be read in lieu thereof: Sec. 23, clause 7, amended

(7) Direct the making and issuing of all policies, settle and determine the terms and conditions thereof, and the form, questions, and declarations necessary in applications necessary for assurance.

10. Section twenty-three of said recited Act is hereby amended by adding thereto a further subsection: Sec. 23, amended by adding a 12th clause.

(12) Appoint of their own members, and if they deem it advisable, may include the manager, such committee or committees, with such powers, and to discharge such duties as the board may from time to time confer and impose on them, but they



they shall at all times, and in regard to all their actions and duties be subject to the said board of directors.

Sec. 24,  
amended.

**11.** Section twenty-four of said recited Act is hereby repealed, and the following section is hereby substituted, and shall be read in lieu thereof:

24. Four members of the board of directors shall form a quorum.

Sec. 26,  
amended.

**12.** Section twenty-six of said recited Act is hereby repealed, and the following section is hereby substituted, and shall be read in lieu thereof:

26. The president of the board of directors shall have the right to vote on all questions the same as other directors, and in case of an equality of votes on any motion before the board, the motion shall be decided in the negative.

Sec. 28,  
amended.

**13.** Section twenty-eight of said recited Act is hereby repealed, and the following section is hereby substituted, and shall be read in lieu thereof:

Annual re-  
turns.

28. The directors of the said company shall make and furnish to the Lieutenant-Governor and to the Legislative Assembly of the Province of Ontario, during the first fifteen days of the first session in each and every year, a full and unreserved statement based on the last auditors' report of the affairs of the said company and of its funds, property and securities, to be verified on oath as being a true and correct abstract, showing, (1) amount of premiums received since last report; (2) value of real estate; (3) amount secured by bonds and mortgages; (4) amount invested in other securities; (5) amount of cash in hand and bank; (6) amount at risk on all policies in force; (7) amount of losses paid since last report; (8) amount of claims in suspense; (9) amount of premium reserve on re-insurance fund based on the actuaries' table of mortality, calculated at a rate of interest not less than four, nor more than five per cent.

Increase in  
number of  
directors.

**14.** Notwithstanding anything contained in the tenth, twelfth, thirteenth and fourteenth sections of the said Act, the number of directors may be increased to nine at any annual meeting for the election of directors after one month's notice of such intended increase shall have been given, by a circular issued by the authority of the board, and mailed to the last known address of each member, and thereafter the board shall consist of nine directors.

Directors may  
accept notes  
for premiums.

**15.** The directors may if they deem it expedient accept the note of any member of the company or assignee of a policy in lieu of cash for the full amount or part of any premium; such note shall bear on its face the number of the policy against which it stands and shall be made payable within three months; such note shall bear interest at such rate as the directors shall determine; but no greater amount shall be held in any such note or notes than one annual premium, and shall form part of the reserve fund necessary to be held during the continuance of the policy, and shall be an asset of the company.

**16.** Whenever a policy becomes a claim, any sum or sums of money owing or accruing due to the company in respect of unpaid premiums, or notes given therefor, or loans or otherwise on or in respect of the policy, or secured thereon, and whether otherwise secured or not shall be deducted from the amount of assurance and retained by the company, and in every case the several half or quarter yearly premiums for the remainder of the current year during which the policy becomes a claim, may be so deducted and retained as aforesaid; but nothing herein contained shall make the company liable for the amount of assurance or any part of it beyond the term for which premiums are actually paid, according to the terms of such policy.

Money owing on policies to be deducted from assurance.

Company to be subject to general Acts relating to Life Insurance.

**17.** The said company shall be subject to all general laws which may be enacted by the Legislature of Ontario, with reference to Life Insurance Companies.

## CAP. LXXXVII.

### An Act to incorporate The Mercantile Fire Insurance Company.

[Assented to 24th March, 1874.]

**W**HEREAS Isaac Erb Bowman, M.P.; Cyrus Bowers, Esquire; John William Walden, M.D.; Jeremiah Boone Hughes Esquire; John Shuh, Esquire; Elias Weber Bengeman Snider, Esquire; John Allchin, Esquire; William Oelschlager, Esquire, and Robert Melvin, Esquire, have by their petition prayed for the incorporation of a company, in the name, style, and title of "The Mercantile Fire Insurance Company," for the purpose of insuring property against loss or damage by fire or lightning, within the Province of Ontario, and it is expedient to grant their prayer:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** All persons who now are and shall hereafter become stockholders of the said company, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic in law, in fact, and in name, by the style and title of "The Mercantile Fire Insurance Company," and shall be capable in law of purchasing, holding or conveying any estate, real or personal, for the use of the said company, subject to the rules and conditions hereinafter mentioned.

Stockholders to be a body corporate, capable of holding property, etc.

**2.** The capital stock of the said company shall be two hundred thousand dollars, divided into two thousand shares, of one hundred dollars each, which said shares shall be, and are hereby vested in the several persons who shall subscribe for the same, their

Capital stock to be \$200,000, and shares \$100 each.

Proviso—capital may be increased to \$500,000.

their legal representatives and assigns: Provided, always, that it shall and may be lawful for the said company to increase its capital stock to a sum not exceeding five hundred thousand dollars, as a majority of the stockholders, at a meeting to be expressly convened for that purpose, shall agree upon.

\* Board to consist of nine directors.

3. The property, business, and affairs of the company shall be managed by a board of not more than nine directors, one of whom shall be chosen president, and one vice-president, which board in the first instance, and until others shall be chosen, and have accepted office as hereinafter mentioned, shall consist of the persons mentioned in the preamble of this Act, as petitioners for the passing thereof; and until otherwise ordered by the said board, the said Isaac Erb Bowman shall be president, and the said John Shuh, vice-president; and such directors shall hold office until the election hereinafter provided for shall have taken place; and the said directors, or a majority of them, may cause stock books to be opened after giving due public notice thereof, upon which stock books shall be recorded the subscriptions of such persons as desire to become shareholders in the said company, under such regulations as a majority of the said directors shall direct, and such books shall be opened in the Village of Waterloo, in the County of Waterloo, and Province of Ontario, and elsewhere at the discretion of the said board of directors, and shall remain open so long as they deem it necessary.

Provisional board.

Stock books may be opened.

Ten per centum may be called for after sixty days' notice.

4. It shall be lawful for any person or persons, bodies politic or corporate, to subscribe for such and so many shares as he, she or they may think fit, and ten per centum may be called for by the said directors, as soon as they deem it expedient, and the remainder may be called for in such instalments, not exceeding ten per centum, in any period of six months, as a majority of the directors may determine upon, but such instalments shall not be called for, or become payable in less than sixty days after public notice shall have been given in the *Ontario Gazette*, and in at least one newspaper published in the said Village of Waterloo, and by circular or letter addressed (post paid) to each stockholder, at his or her last known place of residence; and if any stockholder or stockholders, as aforesaid, shall refuse or neglect to pay to the said directors, or to such person or persons as they may appoint, and at such place, the instalments so to be called for, due, or to become due upon any share or shares held by him, her or them, at the time and place required, such stockholder or stockholders as aforesaid, shall forfeit such share or shares as aforesaid, at the option of the said directors, and such forfeited share or shares may be sold by the said directors after such notice to the holder or holders thereof, as they may direct, and the moneys arising from such sale shall be applied for the purposes of this Act: Provided always, that the directors aforesaid shall have power to enforce such calls or payments by law.

Forfeiture of shares for non-payment.



5. If payment of such arrears of calls, interest, costs and expenses, be made before any share or shares so forfeited and vested in the company shall have been sold, such share or shares shall revert to the person or persons to whom the same belonged before such forfeiture, as if such calls had been duly paid.

Shares to revert to holders on payment before sale.

6. And it shall only be necessary to prove, in case of action for arrears of calls, that the defendant was the owner of one or more shares in the company, and that such calls were, in fact, made, and that notice was given as directed by this Act, and it shall not be necessary to prove the appointment of the directors who made such calls, or any other matter whatsoever.

Proof in action for calls.

7. The company hereby constituted, shall have power and authority to make and effect any contract or contracts of insurance with any person or persons, bodies politic or corporate, against loss or damage by fire or lightning, or any house, store, building, ship, boat, shipping or other erection, on any goods or chattels, or personal estate whatever, under such modifications and restrictions as may be bargained or agreed upon, or set forth, and to cause themselves to be reinsured against any loss or risk they may have incurred in the course of their business, and generally to do and perform all necessary matters and things connected with and proper to promote or carry out those objects: Provided always, that all such risks insured against, shall be within the Province of Ontario.

Company to have power to insure.

8. The said company shall be in law capable of acquiring by purchase, lease or otherwise, and of holding absolutely, any lands or tenements for their actual use and occupation, in the course of their business, and may sell, let, convey, transfer, and dispose of, as to them shall seem expedient: Provided always, that nothing in this Act shall be considered as permission to hold permanently any real estate, beyond the annual value of ten thousand dollars, and the said company may also hold such real estate as shall have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts or judgments which shall have been obtained for such debts, and it shall be lawful for the said company to purchase and hold for the purpose of investing therein, any part of their funds or moneys, any of the public securities of the Dominion of Canada, or of any of the Provinces forming, or to form said Dominion; the stocks of any of the banks, building societies, or other chartered companies of the Dominion, and the bonds of, and debentures of any of the incorporated cities, towns, or municipal corporations of Ontario; and also to sell and transfer the same, and again to renew such investments when, and so often as a due regard to the interests of said company may require, and also to make loans of the funds of the company on mortgage, at any legal rate of interest, with power to receive such interest in advance, or otherwise, and the same investment

Company may hold and transfer real estate to \$10,000.

May invest funds in stocks etc.

to

to call in and re-loan, as occasion may require: Provided always, that all real estate so mortgaged or conveyed in security, as aforesaid, shall be sold and disposed of within seven years from the time of its becoming the absolute property of the company.

Location of  
head office.

**9.** The head office of the company shall be located at the Village of Waterloo, in the County of Waterloo, and Province of Ontario.

Election of  
new directors.

**10.** So soon as two hundred thousand dollars of the stock of said company shall have been subscribed for and taken up, and ten per centum thereof shall have been paid into some one or more of the chartered banks in the Province of Ontario, to the credit of the company, it shall and may be lawful for the shareholders to proceed to the election of directors by ballot at such time and place as the directors hereby appointed, shall appoint, giving at least thirty days' notice in some newspaper published in the said village of Waterloo, and by addressing a circular notice of such meeting to each stockholder, at his or her last known place of residence, paying the postage thereon, and depositing the same in Her Majesty's post office, such meeting to take place in the said Village of Waterloo; and the said directors shall be elected by a majority of the votes of the stockholders then present at such meeting, and hold office until the first annual meeting of the company shall take place; and they and all subsequently elected directors shall also be at the time of their election respectively, and during their continuance in office, stockholders to the amount of not less than twenty shares of the stock of the company on which all calls due have been paid; and shall have power to choose from among themselves a president and vice-president; Provided always that until the said two hundred thousand dollars of stock shall be subscribed, and ten per centum paid thereon, and directors elected under this clause, the said company shall not take any risk, or do any business of an insurance company.

Qualification of  
directors.

Stockholders  
to have one  
vote on each  
share.

**11.** Each stockholder shall be entitled to one vote for each share of the capital stock of the company on which all calls due have been paid, which he or she or they shall have held in his, her, or their name or names at least one month prior to the time of voting, and all votes given at any meeting of the stockholders shall be given in person by the party so voting, and any proposition at such meeting shall be decided by a majority of the votes of the stockholders present, the chairman presiding at such meeting having the casting vote in case of an equality of votes: Provided always, that no clerk or other employee of the said company shall vote at the election of directors.

Appointments  
of new directors  
in case of  
vacancy.

**12.** If any director shall die, resign, or in any way become disqualified or incompetent to act as a director, the remaining directors,

directors, if they think fit, may elect in his place some stockholder duly qualified to be a director, but in no event shall the number of directors be less than six.

**13.** A general meeting of the stockholders of the company shall be held at the company's head office, on such day, each and every year, as a majority of the directors may appoint, giving, at least, thirty days notice thereof, in some newspaper published in the said Village of Waterloo, and by addressing a circular notice of such meeting to each stockholder, at his or her last known place of residence, paying the postage thereon, and depositing the same in Her Majesty's post office, at least ten days before such meeting: Provided always, that each retiring director shall be eligible for re-election.

Annual meeting for election of directors.

**14.** At the annual meeting of the company, and before the stockholders then assembled, the directors shall exhibit a full and unreserved statement of the affairs of the company, of the funds, property, and securities, showing the amount in real estate, and mortgages and other securities, or public debt or other stock, and the amount of debt due to and by the said company, together with a list of the stockholders of the company, and the number of shares held by each, and whether any calls upon such shares are in default or not.

Annual statement to be submitted to stockholders..

**15.** If it shall happen, from any cause, at any time, that an election of directors shall not take place at the proper time and place, pursuant to this Act, the said company shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day, after due notice, to hold and make an election of directors, as shall have been regulated by the by-laws or ordinances of the company, and the directors in office shall so continue until a new election shall be made.

Company not dissolved by neglecting to elect directors.

**16.** Any number of the directors of the company, being a majority thereof, shall have full power and authority to make, prescribe, and alter such by-laws, rules, or ordinances, and regulations, as shall appear to them right, proper and needful, touching the government, management, and well-ordering of the company, its business affairs, servants, and agents; the rates and amounts of insurance; the issuing of policies; the management and disposition of its stock, property, estate, and effects; and also to call in any instalment or instalments of the subscribed stock thereof, at such times or seasons, and in such manner as they may see fit, giving due notice thereof, as hereinbefore provided, and subject to the restrictions herein imposed; and also to declare and cause to be paid or distributed to the respective stockholders of the company any dividend or dividends of profit, at such times and seasons as they shall deem expedient; and also to appoint a managing director, secretary, treasurer, and other officers, or any of them, with such salary or allowance to each, as may be thought reasonable, and be agreed upon, and to

Power to make by-laws for management of affairs of company.



to take security for the due performance of their respective duties, as such directors shall think advisable: Provided always, that for the purposes in the section mentioned, a majority of the directors shall be present, except as hereinafter specially mentioned.

Directors to fix board meetings and three to be a quorum.

**17.** There shall, as may be fixed by the by-laws of the company, be a weekly, monthly or semi-monthly meeting of the board of directors of the said company, and any three or more of the directors shall be a quorum, for the purpose of managing and transacting the details of the business and affairs of the company; and at all meetings of the board of directors all questions before them shall be decided by a majority of the voices or votes, and in case of an equality of votes, the president, vice-president or presiding director, shall give the casting vote over and above his proper vote as a director; Provided always, that nothing in this section contained shall authorize interference with any matter elsewhere in this Act specially provided for.

Compensation to directors for their attendance at board meetings-

**18.** The directors for the time being shall receive a reasonable compensation for their attendance at the board, to be paid out of the funds of the company, and to be ascertained and determined by a by-law or rule of the board, and the said directors shall not be answerable for or chargeable with the defaults, neglects or misdeeds of others of them.

Policies, &c. to be signed and sealed.

**19.** All policies, deeds, cheques, mortgages, leases, bonds and other investments issued or entered into by the said company, shall be signed by the president, vice-president or managing director, and countersigned by the secretary or other officer of the company, as may be by said directors from time to time ordered and agreed upon by by-law or ordinance of the company, in the absence of such persons, and being so signed and countersigned and sealed with the corporate seal of the company, shall be binding upon the company according to the tenor and meaning thereof.

Transfer of shares not binding until entered in books and approved by directors, if not paid in full.

**20.** No transfer of any share of the company shall be binding or valid until entered in the books of the company according to such form as the directors shall from time to time appoint and determine upon, and until the whole of the capital stock of the company is paid up, it shall be necessary to obtain the consent of the directors to such transfer being made; Provided always that no stockholder indebted to the company shall be permitted to make a transfer, or receive a dividend or vote on his stock until such debt is paid or secured to be paid to the satisfaction of the directors.

Company not bound to see to the execution of any trust.

**21.** The company shall not be bound to see to the execution of any trust whether express implied or constructive in respect of any share; and the receipt of the stockholder, his attorney or agent in whose name the same may stand in the books of the company,

company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

**22.** Every executor, administrator, tutor, curator, guardian or trustee, shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a shareholder. Executors &c. may vote.

**23.** Every stockholder shall be individually liable to the company and to the creditors thereof, for an amount equal to the amount unpaid on the stock held by him, her or them, for the debts and liabilities thereof, and for no other or further amount or liability. Stockholders to be liable to the amount of stock.

**24.** No dividend shall be paid out of stock, and none shall be paid except from the genuine net profits of the company, its business and investments. Dividends.

**25.** If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent, or diminishes the capital stock thereof, the directors declaring such dividend shall be jointly and severally liable as well as to the company as to the individual shareholders and creditors thereof, for the amount of the dividend or dividends so paid; but if any director present when such dividend is declared, do forthwith, or if any director then absent do, within twenty-four hours after he shall have become aware thereof and able to do so, enter in the minutes of the board of directors his protest against the same, and do within eight days thereafter, publish such protest in at least one newspaper, published at or as near as may be possible to the head office of the company, such director may thereby and not otherwise, exonerate himself from such liability. Penalty for paying dividends when company is insolvent. How directors may avoid such liability.

**26.** This present Act shall in no wise be forfeited for non-user at any time before the first day of January, one thousand eight hundred and seventy-six. Forfeiture of Act.

**27.** The directors of the said company shall make and furnish to the Lieutenant-Governor and to the Legislative Assembly of the Province of Ontario during the first fifteen days of the first session in each and every year, a full and unreserved statement of the affairs of the said company, and of its funds, property and securities to be verified on oath, showing:— Returns to be made to Lt.-Gov. and Leg. Assembly.

1. Amount of premiums received during the year on risks effected, less twenty-five per cent., and the net amount of losses actually paid;

2. Assets of the company;

3. Liabilities of the company;

4. Amount of capital stock;

5. Amount paid thereon;

6. Of what the assets of the company consist ; (state particulars.)
7. Amount of losses paid during the year ;
8. Amount of losses due and unpaid ;
9. Losses adjusted and not due ;
10. Losses in suspense and awaiting for further proof ;
11. Losses, the payment of which is resisted, and for what cause ;
12. All other claims against the company ;
13. Amount of premiums earned during the year ;
14. Amount of premiums unearned ;
15. Amount of risk on total policies in force.

36 Vic., c. 44,  
ss. 74, 75, 76  
applicable.

**28.** The provisions of sections numbers seventy-four, seventy-five and seventy-six of an Act to consolidate and amend the laws having reference to Mutual Fire Insurance Companies in the Province of Ontario, being an Act passed in the thirty-sixth year of the reign of Her present Majesty, and chaptered forty-four, shall be held to apply to the said company.

Company to be  
subject to  
general Acts.

**29.** The said company shall be subject to all general laws which may be enacted by the Legislature of the Province of Ontario, in reference to companies carrying on the business of Fire Insurance.

## CAP. LXXXVIII.

An Act to incorporate The Canada Live Stock Insurance Company of Ontario.

[Assented to 24th March, 1874.]

Preamble,;

**W**HEREAS Andrew Smith, John Kay, W. A. Henderson and John Maughan, jr., of the City of Toronto, Esquires, have petitioned the Legislature of the Province of Ontario, that a company be incorporated under the name of "The Canada Live Stock Insurance Company of Ontario," for the purpose of carrying on the business of insurance against accident or death of live stock ; and it is expedient to grant their prayer :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Incorporation

**1.** The persons hereinafter mentioned, after having complied with the requirements of this Act as to subscription of stock, and such persons as now are or hereafter shall become shareholders of the said Company, shall be and are hereby created, constituted and declared to be a body corporate and politic, by the  
name



name of "The Canada Live Stock Insurance Company of Ontario," and by that name shall have perpetual succession and a common seal, with power to change and alter the same at pleasure, and may sue and be sued, contract and be contracted with, in the corporate name aforesaid.

**2.** The stock of the company shall be fifty thousand dollars, Stock. divided into one thousand shares of fifty dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act: Provided that the board of directors may increase the amount of the capital stock at any time, or from time to time, to an amount not exceeding on the whole two hundred thousand dollars; but no subscription to stock shall be legal or valid unless twenty per centum thereon shall have been actually and *bona fide* paid thereon within five days after subscription, into one or more of the chartered banks of this Province, to be designated by the directors, and not to be withdrawn therefrom except for the purpose of the company.

**3.** None of the persons or bodies corporate who may subscribe for stock shall be liable for any further sum than to the extent of the unpaid amount upon the stock subscribed for by them. Liability of stockholders.

**4.** Until the first annual election hereafter provided for, the Provisional Board of Directors shall consist of Andrew Smith, John Kay, John Maughan, jr., Thomas Guy, and J. Enoch Thompson. Provisional Directors.

**5.** The Provisional Board of Directors shall have power to open stock books at such places as they may direct, and to keep the same open so long as they deem it necessary; and the number of directors shall continue to be five until at a general meeting of the shareholders their number be increased or decreased; but their number shall not be more than ten nor less than five. Powers of Provisional Directors.

**6.** When forty thousand dollars of capital stock is subscribed, and eight thousand dollars paid in as aforesaid, the provisional directors shall, by advertisement for ten days in one paper published in the City of Toronto, and in the *Ontario Gazette*, call a meeting of shareholders, to elect a board of directors to manage the affairs of said company under the Act. Meeting for the election of Directors.

**7.** The board shall have power to make calls for such sums Calls. or amounts, and at such times, upon the shares of the respective shareholders as they may deem requisite for the purposes and interests of the company, and to sue for and enforce the payment of the same, and may declare all shares forfeited on which such calls have not been duly paid, and may allot the same or any part thereof to any person or corporation, or sell the same or any

any part thereof; and also shall have power to fill vacancies in the board from time to time as they may occur; to appoint officers and agents, and to fix their remuneration and terms of office, and approve of their duties, obligations and securities, and to remove or dismiss all officers; and generally to transact all necessary matters and things connected with the business of the company; but no contract shall be valid unless made under the seal of the company, and signed by the president or vice-president, or one of the directors, and countersigned by the manager, except the "interim receipt of the company," which shall be binding upon the company on such conditions as may be thereon printed by direction of the board: At all meetings of the directors, a majority of the whole number of the board shall be a quorum, and all questions before them shall be decided by a majority of votes, and in case of an equality of votes the president, vice-president or presiding director shall give the casting vote, in addition to his vote as a director: The directors may also appoint honorary directors or local directors in any city or town in which the company transact business, with such duties and powers as they may deem proper for the supervision of the business of the company in such places; but no person shall be qualified to be elected a director unless he hold twenty shares, nor a local director unless he hold five shares in the stock of the company, whereon the calls made shall have been paid.

8. The board shall fix the rates at, and rules and conditions under which the company's policies and certificates shall be issued, and shall have charge of the investment of the funds of the company; and no policy of insurance shall be issued until eight thousand dollars of such capital stock is paid in and invested as by this section provided: It shall be lawful for the company to invest its funds in the debentures, stocks or other securities of the Dominion of Canada, or of the Province of Ontario, or in municipal debentures, or in the debentures of any school section, or on the security of real estate or mortgage thereon, or in any loan collaterally secured by any of the above securities; and may hold such real estate as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts, or judgments recovered: Provided that all such real estate, other than the buildings in which its offices in various places may be, which it is hereby declared it may hold and possess shall be sold within ten years from the time of its becoming the absolute property of the company: And to facilitate the investment of money the company may lend upon mortgage of real estate or otherwise, sums repayable by successive instalments, combining principal and interest: The business of the company shall be confined to Accident or Life Insurance of Life Stock.

9. The shares of the company shall be transferable by the parties holding the same, according to the by-laws or rules of the

the company ; but no share shall be transferred until all calls thereon are paid and the transmission of interest in any share of the stock of the company in consequence of the marriage, insolvency, or death of the shareholder, or by any other means than the ordinary transfer, shall be proved and regulated in such form as the board may from time to time direct : And in any action for the recovery of calls or arrears of calls, it shall be sufficient for the company to allege and prove that the defendant being, an owner of shares therein according to the books of the company, indebted to the company in respect of so many shares in the sums due ; and at the trial it shall only be necessary to prove that the defendant was owner of the shares, and that the call was made according to the by-laws or rules of the company.

Actions for  
calls.

**10.** The head office of the company shall be in the City of Toronto, until otherwise determined by a two-thirds vote of the shareholders at a meeting called for the purpose.

Head office.

**11.** Until otherwise determined by the board, the books shall be annually balanced as at the thirty-first day of December, once in each year, and within three months from the first of January a general meeting of shareholders shall be called by the board, at which a full statement of the company's affairs shall be submitted ; and ten days' notice of the meeting shall be given by advertisement in one newspaper in the place where the head office is and also by two insertions in the *Ontario Gazette*.

General  
meetings.

**12.** At such general meetings shareholders shall have one vote for each share on which all calls are paid, and votes may be cast in person or by proxy, but no proxy can vote unless he be a qualified shareholder ; the shareholders shall at such meeting appoint directors by ballot, but all other proceedings shall be determined by open vote ; but the company shall not be dissolved by failure to elect directors as above : Corporations holding stock in the company may be represented at such meetings by their chief executive officers, one for every twenty shares held.

Proceedings at  
general meet-  
ings.

Corporation  
stockholders.

**13.** Special meetings of shareholders may be called by the directors, or on the requisition of shareholders holding one third of the company's stock ; and ten days' notice of such special meetings, stating the objects for which they are called, shall be sent to each shareholder by mail, and notice of such meeting shall also be given by advertisement in the manner provided by section eleven ; lists of the shareholders shall be at all times accessible to any of them.

Special  
meetings.



## CAP. LXXXIX.

An Act to amend the Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, incorporating the Toronto Fuel Association.

[Assented to 24th March, 1874.]

## Preamble.

**W**HEREAS the Toronto Fuel Association have by their petition prayed that the Act incorporating the said association may be amended so as to enable them to reduce the number of their directors and build a wire tramway, and vessels and barges, wharves and docks to facilitate the business of the said company now carried on under the said Act, and to extend the power of the said company and for other purposes, and it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

## Directors.

**1.** The affairs of the company shall hereafter be under the control of, and shall be managed and conducted by, a board of not less than five nor more than seven directors.

## Power to purchase vessels,

**2.** The said association is hereby authorized and empowered to purchase barges, steamers and such other vessels and conveyances as may be requisite or useful for the conveyance and forwarding of coal and other freight.

## build wharves,

**3.** The said association are also empowered to erect and build wharves and other constructions and erections whatsoever as may be requisite or useful in the carrying out of their said business ; and to build and construct such dry docks as may be necessary for the repairing of their own or other barges, steamers or vessels.

## and construct tramways.

**4.** The said association, their servants, and agents, shall have full power under this Act to lay out, construct and complete a wire tramway from any wharf or wharves or other places of disembarkation of freight to their said yards, for the purpose of carrying and transplanting coal and other freight, and to acquire, take and hold all lands necessary for the use, objects and conveniences connected in any way therewith, or aiding the traffic thereof, and to operate or work the same by a stationary steam engine or engines.

## City of Toronto may permit the construction of tramways.

**5.** The corporation of the city of Toronto in which the said tramway or road may be laid, cut, constructed or pass, may, by by-law or otherwise, permit the said association to construct the same, or some or any part thereof, in, along, over and upon the streets or highways upon such terms and conditions as may be agreed upon between them.

CAP.

## CAP. XC.

An Act to amend the Act passed in the thirty-sixth year of the reign of Her Majesty, Queen Victoria, incorporating the Toronto Gravel Road and Concrete Company.

[Assented to 24th March, 1874]

**W**HEREAS, the Toronto Gravel Road and Concrete Com- Preamble.  
pany have by their petition prayed that the Act incorporating the said Company may be amended, so as to enable them to build a tramway of wood, iron, or wire, or both, to facilitate the business of the said company, now carried on under the said Act, and to extend the powers of the said company and for other purposes, and it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :

**1.** The said company, their servants and agents shall have full power under this Act to lay out, construct, and complete a double or single tramway or way of wood, or of iron, or wood and iron and other materials, from their gravel beds or pits in the Township of Scarborough in the County of York, through the Townships of York to some point within the City of Toronto, and to take and hold all lands necessary for the purpose and convenience of their road or way, and the buildings and constructions connected in any way therewith or aiding the traffic thereof; and they shall have full power to carry and transport on and over their said roadway, and any and every part thereof, in cars, carriages, and other vehicles, gravel, sand, and other property, and passengers at such reasonable rates as the directors of the company for the time being shall impose, or as shall be from time to time fixed by the Lieutenant-Governor of the Province; and the said road may be worked by horse or other power, but if by steam, the rate of travelling shall not be greater than ten miles per hour. Power to construct a wood or iron tramways from gravel pits.

**2.** The said company, their servants and agents shall also have full power under this Act to lay out, construct, and complete a wire tramway from and to the points aforesaid, for the purpose of carrying and transporting gravel, sand and other freight, and to acquire, take, and hold all lands necessary for the use, objects, and conveniences connected in any way therewith, or aiding the traffic thereof, and to operate or work the same by a stationary steam-engine or engines at such reasonable rates as may from time to time be imposed by the said directors. Power to construct a wire tramway.

Tramway may  
pass along  
highway.

**3.** The councils of the municipalities through or in which the said tramways or roads may be laid out, constructed, or pass, may by by-law or otherwise, permit the said Company to construct the same, or some, or any part thereof, in, along, over, and upon the highways and streets, upon such terms and conditions as may be agreed upon between them.

Capital stock.

**4.** The capital stock of the said company shall be increased to the sum of two hundred thousand dollars, and shall consist of two hundred shares of one thousand dollars each.

Powers of the  
Company

**5.** The said company shall have all the powers and benefits and be subject to the liabilities, duties and restrictions, given to and imposed upon joint stock road companies, in the fourth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, thirtieth, thirty-first, thirty-second, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth, sixtieth, one hundred and tenth, and one hundred and eleventh clauses of the Act, chaptered forty-nine of the Consolidated Statutes for Upper Canada, and those clauses are for the purpose of this Act, and in regard to all corporations and persons to be read and taken as part of this Act.

Powers of  
directors.

**6.** The directors of the Company shall have full power and authority to make, amend, repeal, and re-enact all such by-laws, rules, regulations, and resolutions as shall appear to them proper and necessary, touching the well-ordering of the company; the calling in of the capital stock; the acquirement, management and disposition of the stock, property and effects, and of its affairs and business; the declaration and payment of dividends out of the profits of the company; the form and issuing of stock certificates and transfer of shares; the calling of special and general meetings of the Company; the appointment, removal, and remuneration of all officers, agents, clerks, workmen, and servants of the company, and in general to do all things that may be necessary to carry out the objects, and exercise the powers incident to the company.

Stock to be  
personalty.

**7.** The stock of the company shall be deemed personal estate, and shall be transferable in such way as the directors shall by by-law direct.

Power to issue  
debentures.

**8.** The directors of the Company may from time to time, raise or borrow for the purposes of the said company, any sum or sums of money, not exceeding in the whole fifty thousand dollars by the issue of bonds or debentures in sums of not less than one hundred dollars each, on such terms and credit as they may think proper, and may pledge, mortgage, or hypothecate all the property, tolls, and income of the company, or any part thereof, for the repayment of the moneys so raised or borrowed with the interest thereon: Provided always, that the consent



consent of two-thirds in value of the stock-holders of the Company shall be first had and obtained at a special meeting to be called and held for that purpose.

9. If any person or persons shall in any way do, or cause to be done, any injury to such tramways, roads or tracks, or any wire, timber, tie, rail, fence, bridge, tresslework, building or erection, connected therewith, or any car, carriage, basket, horse or engine of the company, or any other property belonging to them, or in their custody or charge, or shall interrupt or impede the passage of any train, car, carriage, basket, wire, machine, horse, or engine of the company, such person and persons shall, upon conviction thereof, in a summary way, before any justice of the peace, be sentenced to pay all damages, if any, sustained by the company, which damages shall be ascertained and settled by the justice hearing the complaint, and also to pay a fine of not more than twenty dollars, and not less than one dollar, together with all costs; which damages, fine and costs, shall be paid within a time to be limited by the justice, and in default thereof, shall be levied as in the one hundred and seventh section of the said Act, chaptered forty-nine, of the Consolidated Statutes for Upper Canada, as directed; and in case of no goods or chattels to satisfy the warrant, the offender may be committed to gaol, as in the said section is provided; and the damages so ascertained shall be paid to the company, and the fines, one-half to the complainant, and the residue to the uses of the Province.

Injuring works  
of company.

Penalty.

## CAP. XCI.

An Act to incorporate the Cathedral of the Holy Trinity, of London.

[Assented to 24th March, 1874.]

**W**HEREAS the Right Reverend Isaac Hellmuth, D.D. Bishop of the Diocese of Huron, having in contemplation the erection of a Cathedral, in the City of London, in connection with the Church of England, in Canada, procured a site for the same, that block of land in the said City of London, bounded on the north by Piccadilly street, on the south by the southerly limits of lot numbered fourteen on the west side of Wellington street, and lot numbered fourteen on the east side of Park lane, produced westerly to Sarnia street, on the east by Wellington street, and on the west by Sarnia street; and the said land has been conveyed to, and is now vested in the Church Society of the Diocese of Huron, in trust for the purposes of the said Cathedral; and the erection of the Cathedral buildings thereon has been commenced; And whereas, a petition has been presented to this Legislature praying that the said Cathedral

Preamble

Cathedral

Cathedral may be incorporated ; and it is expedient to grant such petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

**Incorporation.**

1. There shall be and there is hereby constituted and established in the City of London, in the Province of Ontario, a body politic and corporate under the name of "The Cathedral of the Holy Trinity," which corporation shall consist of the Right Reverend the Bishop of Huron, for the time being, the very Reverend the Dean of Huron, for the time being, and the Archdeacons and Canons of the said the Diocese of Huron, for the time being; the said Bishop, Dean, Archdeacons and Canons of the said Diocese of Huron, for the time being, shall be the governing body of the said corporation, and the Bishop shall be *ex-officio*, the president thereof.

**Powers of corporation.**

2. Such corporation shall have perpetual succession, and a common seal, and all other the rights and privileges vested by "the Interpretation Act" in corporations generally; and shall have full power to make and establish such and so many by-laws, rules and regulations, (not contrary to this Act, or the laws of this Province,) as they shall deem useful or necessary, as well concerning the erection and completion of the said Cathedral buildings, as for the superintendence, advantage and improvement of all the property movable or immovable belonging to, or which shall hereafter belong to the said corporation; and shall have power and authority to take by deed from the said the Church Society of the Diocese of Huron, the said block of land, and to hold the same for the said corporation with power to mortgage the same as security for money borrowed or to be borrowed for the purpose of erecting or completing the said Cathedral buildings.

**Power as to lands.**

3. The body incorporated by this Act, may from time to time, and at all times, acquire and hold as purchasers any interest in lands and tenements, and the same alienate, lease, mortgage, and dispose of, and purchase others in their stead; Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in whole at any one time the annual value of ten thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation; and it is further enacted that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest, any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements or interests therein; so to be taken or held by gift, devise

devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars ; and no lands or tenements or interests therein acquired by gift, devise or bequest shall be held by the said corporation for a longer period than seven years after the acquisition thereof, and within such period, they shall respectively be absolutely disposed of, by the said corporation, so that it no longer retain any interest therein ; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities not including mortgages, for the use of the said corporation, and such lands, tenements or interests therein, or such thereof which may not within the same period have been disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators, or assigns.

4. The said corporation are hereby further authorized and empowered, so soon as the said block of land shall have been conveyed to, and vested in the corporation, and at any time thereafter to execute and issue debentures in currency or sterling to such an amount as may be necessary to defray the cost of the said Cathedral buildings, not exceeding in the whole fifty thousand dollars, and in such sums not less than twenty-five dollars each, and at such rate of interest and redeemable at such times and places, as the governing body of the said corporation may determine.

5. The debentures so issued as aforesaid without registration or formal conveyance shall be charges upon the said block of land and the buildings and edifices which now are or may hereafter be erected thereon, and also upon any policy or policies of insurance effected by the said corporation upon the said buildings, or any of them, and which shall be subsisting at any time during the currency of the said debentures ; and each holder of any of the said debentures shall be deemed to be a mortgagee and incumbrancer *pro rata* with the other holders thereof upon the said block of land together with the said buildings and insurance ; but subject nevertheless to any prior registered mortgage or other registered incumbrance on said block of land, created and registered prior to the issue of any such debentures.

Issue of  
debentures.

Debentures to  
be a charge on  
the Cathedral  
lands and  
buildings.



## CAP. XCII.

An Act to authorize the Churchwardens of St. James Church, Toronto, to issue debentures.

[Assented to 24th March, 1874.]

## Preamble.

**W**HEREAS under and in pursuance of resolutions passed at various meetings of the Vestry of St. James Church, in the City of Toronto, debentures have from time to time been issued by the churchwardens, for the time being, for the purpose of raising money to meet the engagements of the said vestry in the erection, improvement, and completion of the said church; And whereas Clark Gamble, and James Kirkpatrick Kerr, Esquires, the present churchwardens of the said church, have been by resolutions of the vestry, authorized to issue forthwith debentures to provide for further expenditure in connection with the completion of the said church, and improvements therein, and other instructions of the said vestry, and they have petitioned for an Act consolidating the debt already created, and that to be hereafter incurred in respect of the said church, and providing for the issue of debentures upon which money may be realized to pay off the debts already incurred as aforesaid, and to defray the cost of completing the said church, and other moneys required to carry out the instructions of the said vestry; And whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## Power to issue debentures.

**1.** The said debt of the said vestry shall be, and the same is hereby consolidated, at the sum of forty-five thousand dollars; and it shall and may be lawful for the said churchwardens of the church aforesaid, and their successors, as such to execute and issue debentures in currency or sterling, not exceeding at any one time, in the whole, the sum of fifty thousand dollars, in such sums, not less than one hundred dollars each, at such rate of interest and redeemable at such times and places as they may determine, and from time to time to renew the same or issue new debentures in their place or stead.

## Churchwardens may pay up present liabilities with funds raised by debentures.

**2.** The said churchwardens shall and may from time to time, with the consent of the holders, call in any of the outstanding debentures and liabilities, and discharge the same with the funds raised by the issue of debentures authorized to be issued under this Act, or may substitute therefor the said debentures, or any of them, authorized as aforesaid, under this Act, as may be agreed upon between the said churchwardens and the hold-

ers of such outstanding debentures and liabilities, or other the creditors of the said vestry and church.

3. The funds to be raised by the issue of debentures authorized as aforesaid, shall be applied to the redemption and payment of the said outstanding debentures and other liabilities, and to defray the cost of completing and improving the said church, and to carry out the instructions of the said vestry.

Application of moneys raised on debentures.

4. The debentures so issued as aforesaid, shall, without registration or formal conveyance, be taken and considered to be charges upon the said church and the lands therewith used, and other the property of the said vestry ; and the holder of any of the said debentures shall be deemed to be a mortgagee and incumbrancer *pro rata* with the other holders thereof upon the said church and property.

Debentures to be a charge on church and vestry property.

5. The interest of the said debentures shall be the first charge upon the whole revenue of the said church, and the vestry thereof ordinary and extraordinary ; and it shall be the duty of the churchwardens in each year, out of the said revenues, to pay the whole interest falling due in each year.

Interest to be first charge on revenue of church.

6. No person advancing money on or for the purchase of the debentures authorized by this Act to be issued, shall be in any way bound to see to the application of the money so advanced.

Persons advancing money need not see to application of it.

7. Nothing in this Act contained shall prejudice or affect any legal or equitable right of priority which the holders of debentures, issued at the time of the passing of this Act may have or possess.

Rights of present holders of debentures protected.

8. The said churchwardens and their successors, as such, shall be, and they are hereby constituted a body politic and corporate, by the name of "The Churchwardens of St. James Cathedral, Toronto," and shall have all the rights and powers vested in corporations generally, by "The Interpretation Act," but neither the said churchwardens nor their successors shall be personally liable upon or in respect of the said debentures.

Incorporation of church wardens.

CAP. XCIII.

An Act to amend an Act intituled "An Act to incorporate the Trinity College School."

[Assented to 24th March, 1874.]

WHEREAS The Trinity College School has by its petition, represented that the said corporation has already expended nearly forty thousand dollars upon lands and buildings

Preamble.

for

for the purposes of the said school; and that, to meet the increasing requirements of the said school, it is necessary that additional buildings should be erected; and that, for the purposes aforesaid, and with a view to consolidating and paying off the debt incurred in the purchase of lands and erection of buildings, the said corporation desires to be empowered to issue debentures to an amount greater than by its Act of incorporation it is authorized to do; that the said school continues in successful operation, and that its usefulness will be extended, and the purposes for which it was formed will be promoted by the passing of this Act:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Sec. 6 of 35  
V., ch. 111,  
amended.

1. The sixth section of the Act passed in the thirty-fifth year of the reign of Her Majesty, chaptered one hundred and eleven, and intituled "An Act to incorporate the Trinity College School," is hereby amended by striking out the words "ten thousand dollars," at the end of the said section, and inserting in lieu thereof the words "two thirds of the actual value of the property of the said corporation."

## CAP. XCIV.

### An Act relating to Trinity Church, Cornwall.

[Assented to 24th March, 1874.]

#### Preamble.

WHEREAS lots numbers nineteen, twenty and twenty-one on the north side of Second street, and lots numbers nineteen, twenty and twenty-one on the south side of Third street, in the Town of Cornwall, in the County of Stormont, and Province of Ontario are vested in the Reverend James Abraham Preston, the Incumbent of Trinity Church, in the Town of Cornwall, for the sole use and benefit of the parishioners and inhabitants of the said Town of Cornwall, being members of the Church of England as by law established, for a church and burial ground; and the Reverend James A. Preston, Rector, and George Pringle and Edward Farlinger, churchwardens of said Church in pursuance of a resolution passed at a special vestry meeting duly convened and held on the twenty-second day of December, one thousand eight hundred and seventy-three, have petitioned for an Act to enable them to mortgage said premises for the purpose of raising a sum not exceeding six thousand dollars in amount, to complete the new church now being erected thereon; and it is desirable to grant the prayer of the petition:

Therefore



Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Rector and churchwardens of the aforesaid Church and their successors as such, shall have power in their own names to mortgage the said lands vested in the said Rector as aforesaid, or a portion thereof, and the church now being erected thereon; and on said mortgage to borrow a sum of money not exceeding the sum of six thousand dollars, for the purpose of completing the said Church now in course of erection; and for furnishing the same; and for laying down walks and approaches to said Church; and for fencing said lands; and to secure the re-payment thereof, with interest at such rate and such time or times as may be agreed upon.

Authority to  
mortgage  
churches,

2. It shall be lawful for the said Rector and Churchwardens and their successors as such, having been first authorized by a resolution of the vestry of said Church, should occasion require, from time to time, and at all times hereafter to make new and further mortgages for the purpose of paying off any mortgage or mortgages then in existence upon the same property or any part thereof, upon such terms and at such times as the said Rector and Churchwardens and their successors shall deem proper; Provided that the whole mortgage debt upon the said church and church property, shall not exceed at any one time the principal sum of six thousand dollars.

and pay off  
mortgage by  
new mortgage

3. Any mortgagee or mortgagees advancing money upon the security of a mortgage upon the said premises, shall not be bound to see to its application by the borrowers.

Mortgagees not  
bound to see  
to application  
of money.

## CAP. XCV.

An Act to amend the Act incorporating the St. Thomas Cemetery Company.

[Assented to 24th March, 1874.]

WHEREAS the St. Thomas Cemetery was originally located on the south part of lot number two in the eighth concession of Yarmouth, in the county of Elgin, namely, before the passing of the Act of the Parliament of the late Province of Canada passed in the session held in the thirteenth and fourteenth years of the reign of Her Majesty Queen Victoria, and chaptered seventy-six, for the establishment of Cemetery Companies, located without the limits of cities and towns, and before the limits of the Town of St. Thomas were established; And

whereas

Preamble.

whereas the Town of St. Thomas was incorporated, leaving the said cemetery lands situated within and on the southerly limit of said town ; And whereas it is desirable to continue the usefulness of this cemetery, which is a public cemetery, and that all the powers and provisions of the Act, passed in twenty-eighth year of the reign of Her said Majesty, and chaptered fifty-eight, to incorporate the St. Thomas Cemetery Company, also the clauses of the said General Cemetery Act, incorporated therein, shall apply to the said St. Thomas Cemetery Company, as fully and perfectly as if the lands of the said Cemetery were situated without the limits of the corporation of the Town of St. Thomas:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

28 Vic., c. 28,  
amended.

**1.** The Act passed in the twenty-eighth year of the reign of Her Majesty, and chaptered fifty-eight, intituled an Act to incorporate the St. Thomas Cemetery Company, shall be amended, so that all the powers and provisions therein, also the clauses of the Act respecting companies for the establishment of Cemeteries in Upper Canada, as incorporated therein, shall apply to the said St. Thomas Cemetery Company, as fully and perfectly as if the lands of the same were situated without the limits of the corporation of the Town of St. Thomas.

Certain lots  
not to be used  
as a burying  
ground.

**2.** Such company shall not use as a burying ground the strip of small lots north of the present Cemetery fence, next to the lands of Dr. Wilson, unless such company procure the block of land in possession of Charles Roe, north of said fence, or a block of the land east of said small lots, in possession of Dr. Wilson: Provided that the said company shall not be entitled to use such narrow strip of lots for burying purposes any further north than any land they may purchase from the said Charles Roe or Dr. Wilson.

## CAP. XCVI.

An Act to authorize the Sale or Exchange of a Block of Land in the Village of Dresden, designated on the registered Plan of the said village as "Cemetery Ground."

[Assented to 24th March, 1874.]

Preamble.

**W**HEREAS a certain block of land in the Village of Dresden in the County of Kent, designated on the registered Plan "Cemetery Ground," and containing six acres more or less, held by the Right Reverend Isaac Hellmuth, D.D., Bishop of Huron and his successors in trust for the purposes of a cemetery or burying ground; and the corporation of the said Village of Dresden, and the said Isaac Hellmuth, Bishop of Huron

Huron, have represented by their petition that it is desirable that by the sale or exchange of the said block of land, other land outside the limits of the said village should be procured for the purposes of a burying-ground, and they have prayed that an Act may be passed, granting power to sell or exchange the said block of land, and in lieu thereof to obtain land without the limits of the said village for the like purpose :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Right Reverend the Bishop of Huron for the time being, is hereby authorized and empowered to sell and convey the said block of land in one or more parcels, and upon such terms of payment as may to him seem most advisable ; and to invest the proceeds of such sale or sales in the purchase of at least an equal quantity of land outside the limits of the said village, and in fencing and improving the same.

Power to sell  
certain lands.

Application of  
proceeds of  
sale.

2. In case the said Bishop shall deem it more advisable to exchange the said block of land for at least an equal quantity of other land without the limits of the said village, he is hereby authorized and empowered so to do ; and in order to complete such exchange, the said Bishop may convey the said block to the proper party or parties in that behalf ; and any land obtained by the said Bishop in lieu of the said " Cemetery Ground," whether by purchase or exchange, shall be held by him and his successors in the office of Bishop of Huron, in trust for like purposes as the said block of land is now by him held.

Power to  
exchange  
certain lands.

3. The purchaser or purchasers of the said block of land or any part thereof from the said Bishop, shall not be bound to see to the application of the purchase money, but the receipt of the said Bishop shall be a sufficient discharge for the same.

Purchasers  
not bound to  
see to the  
application of  
the purchase  
money.

## CAP. XCVII.

An Act to legalize and confirm the sale and conveyances of certain lands in the Township of East Whitby, and County of Ontario, heretofore effected and made by the Trustees of the Oshawa congregation of the Canada Presbyterian Church, formerly constituting the United Presbyterian Church of Whitby, to the Rev. R. H. Thornton, D.D.

[Assented to 24th March, 1874.]

WHEREAS the Trustees and Members of the Oshawa congregation of the Canada Presbyterian Church, formerly constituting the United Presbyterian Church of Whitby

Preamble.

KK

by



by their Petition set out that by indenture, dated the thirteenth day of September, eighteen hundred and forty-eight, one Robert Spears conveyed to the then trustees of the said church certain lands, being part of the south half of lot number sixteen, in the second concession of the Township of Whitby, in the County of Ontario, described as follows: Commencing at the south-west angle of the said lot, and running thence north seventy-four degrees east four chains twenty-seven and a half links; then north sixteen degrees west five chains; then north seventy-four degrees east twelve links; then north sixteen degrees west twenty chains, more or less, to the centre of the said south half; then south seventy-four degrees west four chains thirty-nine and a half links to the western limit of the said lot; then south sixteen degrees east twenty-five chains, more or less, to the place of beginning, in trust for the use of the said congregation, in pursuance of the statutes in such case made and provided; and that the said congregation not requiring the whole of the said lands, subsequently agreed to sell, and did sell, to the Reverend Robert Hill Thornton, D.D., of the Township of East Whitby, in the County aforesaid, part thereof described as follows: Commencing on the western limit of the said lot at the distance of ten chains and sixty-six links from the south-west angle thereof; thence north sixteen degrees west fourteen chains and thirty-four links, more or less, to the centre of the south half of the said lot; thence north seventy-four degrees east four chains and thirty-nine and one half links; thence south sixteen degrees east twenty chains, more or less, to a point situate five chains from the southern boundary of the said lot; thence south seventy-four degrees west twelve links; thence south sixteen degrees east five chains, more or less, to the said southern boundary; thence south seventy-four degrees west thirty-nine and one half links; thence north sixteen degrees west ten chains and sixty-six links; thence south seventy-four degrees west three chains and eighty-eight links, more or less, to the place of beginning; and that the trustees for the time being of the said congregation had by two several indentures of conveyance, bearing date respectively the third day of May, eighteen hundred and sixty-seven, and the twenty-first day of March, eighteen hundred and seventy-three, purported to convey the last mentioned lands to the said Robert Hill Thornton in two separate parcels, the two parcels together composing the lands so sold as aforesaid and lastly above described; and it appearing that the said trustees in making such sale and conveyances acted in good faith and for the benefit of the said congregation, though unaware of the manner of proceeding to make sale of lands so held by them, provided by the sixty-ninth chapter of the Consolidated Statutes for Upper Canada, and the amendments thereto; and that they the said trustees and the said congregation are desirous of having the said sale and conveyances declared as valid and effectual to pass such estate and interest to the said purchaser to all intents and purposes, as if such sale and conveyances had been made

by

by the said trustees under the said sixty-ninth chapter of the Consolidated Statutes for Upper Canada, intituled "An Act respecting the property of religious institutions in Upper Canada," and the amendments thereto: And whereas it is expedient that the prayer of the said petition should be granted:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said above recited sale to the said Reverend Robert Hill Thornton, and the said conveyances by the said trustees for the time being of the said lastly above described portion of land shall be, and the same is, and are hereby declared to be as valid and effectual to pass to the said Reverend Robert Hill Thornton, his heirs and assigns, such and the same interest in the said lands so sold and conveyed to him as aforesaid as would have passed had such sales been made and conveyances effected to the said Reverend Robert Hill Thornton, in compliance with the provisions of the aforesaid the sixty-ninth chapter of the Consolidated Statutes for Upper Canada, intituled "An Act respecting the property of religious institutions in Upper Canada," and the amendments thereto.

Certain conveyances to R. H. Thornton declared valid.

2. Nothing in this Act contained shall give, or is intended to give, or confer any other or greater force or effect to the said sale and conveyances than if the said sale and conveyances had been so effected and made under the provisions of chapter sixty-nine of the Consolidated Statutes for Upper Canada, and the amendments thereto.

Conveyances to have no greater effect than if made under C. S. U. C., c. 69.

## CAP. XCVIII.

An Act to authorize the Courts of Queen's Bench and Common Pleas, and the Court of Chancery, to admit Henry William Delany as an Attorney-at-Law, and Solicitor in Chancery.

[Assented to 24th March, 1874.]

WHEREAS Henry William Delany, of the village of Trenton, in the county of Hastings, gentleman, has by his petition represented that in or about the month of July, 1858, he was duly articulated for the term of five years to one Adam Henry Meyers, an attorney of the Courts of Queen's Bench and Common Pleas, and a solicitor in Chancery; that since the date of the said articles he has, for a period of sixteen years, been continuously and exclusively engaged in the study and practice of law, but owing to the fact that portions of his service

Preamble.

under

under the said articles were performed in the offices of other attorneys than the said Adam Henry Meyers, with the consent of the said Meyers, but without any legal assignment of the said articles, he has been unable to furnish the proofs of service under articles required by the regulations of the Law Society, and the Statutes in that behalf: And whereas, the said Henry William Delany has prayed that an Act may be passed authorizing the Courts of Queen's Bench and Common Pleas, and the Court of Chancery to admit him as an attorney-at-law and solicitor in Chancery, upon his passing the final examination for admission prescribed by the regulations of the Law Society, and upon payment of the usual fees, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

H. W. Delany  
may be ad-  
mitted as an  
attorney.

1. It shall be lawful for the Courts of Queen's Bench and Common Pleas, and the Court of Chancery, to admit the said Henry William Delany as an attorney-at-law and solicitor in Chancery, upon his passing the final examination for admission prescribed by the regulations of the Law Society of Ontario, and upon payment of the usual fees in that behalf.

## CAP. XCIX.

An Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery for Ontario, to admit Benjamin Valleck Elliot, to practise as an Attorney and Solicitor therein.

[Assented to 24th March, 1874.]

Preamble.

WHEREAS Benjamin Valleck Elliot has by his petition set forth that in the year one thousand eight hundred and thirty-seven, he was duly admitted an Attorney of Her Majesty's Courts of Queen's Bench, Common Pleas, and Exchequer, at Westminster, and a Solicitor of the High Court of Chancery, in England; that from the time he was so admitted, he was constantly engaged in the duties of his profession as aforesaid, until the year one thousand eight hundred and fifty-six, when he came to Canada; that after his arrival in this Province, he was duly bound by a contract in writing to a practising Attorney and Solicitor in this Province, to serve him as his clerk for one year, and did during such year, duly serve the said Attorney and Solicitor as his clerk; that after the expiration of such year of service, he attended the sittings of the Courts of Queen's Bench and Common Pleas, at Toronto, during



during one of the terms of such Courts, when he learned that he should have attended the sittings of such Courts for two of such terms, during his term of service as aforesaid; that he was on that account unable to procure his admission as an Attorney of the Courts of Queen's Bench and Common Pleas, and a Solicitor of the Court of Chancery for Ontario; that since then he has been practising as a Conveyancer and Notary Public, at Exeter, in the County of Huron; and he has prayed that an Act may be passed authorizing Her Majesty's Courts of Queen's Bench and Common Pleas, and the Court of Chancery for Ontario, respectively, to admit him as an Attorney and Solicitor of said Courts:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It shall and may be lawful for the Courts of Queen's Bench and Common Pleas, and the Court of Chancery for Ontario, respectively, to admit the said Benjamin Valleck Elliot, as an Attorney and Solicitor of the said Courts, upon his paying the proper fees in that behalf, and passing such final examination as the Law Society of Ontario requires to be passed by an applicant for admission as such attorney and solicitor, any law or usage to the contrary notwithstanding.

Superior  
Courts may  
admit B. V.  
Elliot to prac-  
tise therein.

## CAP. C.

An Act to authorise the Courts of Queen's Bench, and Common Pleas, and the Court of Chancery for Ontario, to admit Joseph James Gormully to practise as an Attorney and Solicitor.

[Assented to 24th March, 1874.]

**W**HEREAS Joseph James Gormully, of the City of Toronto. Preamble.  
in the County of York, hath by his petition set forth, that in the year one thousand eight hundred and seventy, he was duly admitted a member of the Honourable Society of the Middle Temple, of the City of London, England, after passing the requisite examination before the English Council of Legal Education; and that in the year one thousand eight hundred and seventy-three, he was duly called to the Bar of the Superior Courts in England, after passing the examination to qualify him therefor required by the said Council of Legal Education, and that he still remains a member of the said bar on the rolls of the said courts, and that he is by virtue of such call, and by virtue of the statutes in such case made and provided qualified for call to the Bar of Ontario; and that from the time he was first

first admitted as a member of the bar, he has been continuously engaged in the practice of his profession, and is still so engaged : And whereas the said petition further sets forth that the said Joseph James Gormully came to reside in this Province in the year last aforesaid, and from the time of his residence herein, he has been under articles to a practising Attorney and Solicitor, in the City of Toronto, and has done everything in his power to qualify himself to be admitted to practise as an Attorney and Solicitor within this Province : And whereas the said petition further sets forth that by the customs and usages of the legal profession in England, the profession of Barrister is quite distinct and separate from that of Attorney and Solicitor ; and that by reason of the said customs and usages, and by the etiquette of the said profession he was altogether precluded and prohibited whilst studying for the bar from placing himself under articles to, or from himself becoming an Attorney and Solicitor : And whereas the said Joseph James Gormully is desirous of being admitting to practise as an Attorney at Law and Solicitor in Chancery ; and has prayed that an Act might be passed to enable the Courts of Queen's Bench and Common Pleas, and the Court of Chancery for Ontario to admit him to practise as an Attorney and Solicitor of the said courts respectively, notwithstanding that he has not been articled to a practising Attorney and Solicitor for the full period of three years :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Superior  
Courts may ad-  
mit J. J. Gor-  
mully to prac-  
tise as an At-  
torney and  
Solicitor.

1. It shall and may be lawful for the Courts of Queen's Bench and Common Pleas, and the Court of Chancery for Ontario respectively, on sufficient proof being given at the time of the application of the said Joseph James Gormully to the said courts that he has been called to practise at the Bar of the Superior Courts in England ; and that he then still continues a member of the said bar ; and that he has then had the degree of Barrister at Law, conferred upon him by the Law Society of Ontario ; and that his name has been entered, and then continues on the books of the said society ; and that he has duly served under articles of clerkship to a practising Attorney and Solicitor, from the time from which he first bound himself under articles of clerkship to the passing of this Act, to admit the said Joseph James Gormully, as an Attorney at Law and Solicitor in Chancery of the said courts, upon his passing the final examination, and upon payment of the proper fees in that behalf, any law or usage to the contrary notwithstanding.

## CAP. CI.

An Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery for the Province of Ontario, to admit John McSweyn, as an Attorney and Solicitor therein.

[Assented to 24th March, 1874.]

**W**HEREAS John McSweyn, of the Town of Lindsay, in Preamble the County of Victoria, bath by his petition set forth, that on the eighteenth day of January, one thousand eight hundred and sixty-seven, he was duly articulated to a practising attorney and solicitor, for a period of five years (the articles in that behalf having been filed); And whereas said articles were afterwards by assignment transferred to another practising attorney and solicitor; and subsequently by another agreement in writing, the said John McSweyn served as clerk to a third practising attorney and solicitor for a further period of time, but inadvertently neither said assignment nor agreement was filed as required by law; And whereas the said John McSweyn has actually served as articulated clerk for a period of seven years, and is desirous of being admitted to practise as an attorney-at-law and solicitor in chancery, and has prayed that an Act may be passed, to enable the Courts of Queen's Bench and Common Pleas, and the Court of Chancery for Ontario, to admit him to practise as an attorney and solicitor of the said courts respectively, upon his passing such final examination as may be prescribed by the Law Society for Ontario; And whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It shall and may be lawful for the Courts of Queen's Bench, Common Pleas and the Court of Chancery for Ontario respectively, at any time to admit the said John McSweyn to practise as an attorney-at-law and solicitor in chancery, of the said courts respectively, on his passing such final examination as may be prescribed by the Law Society of Ontario, without his compliance with any other requirements or provisions of law or other rules and regulations of the said law society in that behalf, any law, custom or usage to the contrary notwithstanding.

Superior  
Courts may  
admit John  
McSweyn as  
an attorney  
and solicitor



## CAP. CII.

An Act to empower the Superior Courts in Ontario to admit B. H. Vidal to practise as an Attorney and Solicitor.

[Assented to 24th March, 1874.]

Preamble.

WHEREAS Beaufort Henry Vidal has by his petition set forth, that in Easter term, in the year of our Lord one thousand eight hundred and sixty, he having passed the required examination, was admitted a member of the law society of the Province of Ontario: And whereas in the month of May, in the same year, he was articled to a practising attorney and solicitor to serve for a period of five years, and that he actually served under such articles and assignments until the month of February, in the year of our Lord one thousand eight hundred and sixty-two, at which period, he proceeded to England to receive a commission in the army, and after receiving his commission was employed in various foreign countries for a period of more than seven years, and was in consequence unable to complete his service under articles: And whereas in Michaelmas term, in the year of our Lord one thousand eight hundred and seventy-two, he having passed the required examination, was called to the bar of Ontario, and that his name now remains on the books of the Law Society of Ontario, as a barrister thereof; and that he has since his admission to the bar spent upwards of twelve months in the office of a practising attorney and solicitor; and has articulated himself to a practising attorney and solicitor, and done everything in his power to qualify himself for the performance of the duties of an attorney and solicitor: And whereas the said Beaufort Henry Vidal is desirous of being admitted to practise as an Attorney-at-Law and Solicitor in Chancery; and has with the consent of the Benchers of the Law Society of Ontario, prayed that an Act may be passed to enable the Courts of Queen's Bench and Common Pleas, and the Court of Chancery for Ontario to admit him to practise as an attorney and solicitor of the said courts respectively, notwithstanding that he has not been articulated to a practising attorney and solicitor for the full period of one year since his admission to the bar, as required by law in his case:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows

Superior  
Courts to ad-  
mit B. H. Vidal  
to practise as  
an Attorney  
and Solicitor.

1. It shall and may be lawful for the Courts of Queen's Bench and Common Pleas and the Court of Chancery respectively, on sufficient proof being given that the said Beaufort Henry Vidal has duly and properly served under articles of clerkship for the periods specified in his petition, and up to the time of the passing of this Act; and that he has passed the required

quired examination for call to the bar; and has been called to the bar of Ontario, and that his name now remains on the books of the Law Society of Ontario, as a barrister thereof, and that he has paid to the said society the fees required to be paid to the said society, on admission as an attorney and solicitor, and has obtained the consent of the Benchers of the said society to the passing of this Act, to admit the said Beaufort Henry Vidal as an attorney and solicitor of the said courts respectively, any law or usage to the contrary notwithstanding, upon payment of the usual fees.

### CAP. CIII.

An Act to enable the Law Society of Ontario to admit John Wright as a Barrister at Law.

[Assented to 24th March, 1874.]

**W**HEREAS John Wright has, by his petition, represented Preamble.  
that prior and up to the year one thousand eight hundred and fifty-four, he was actively employed as a clerk in the office of a practising Attorney and Solicitor in England; and in the said year he came to reside in Ontario and was soon afterwards articulated to a practising Attorney and Solicitor in this Province; that in the year one thousand eight hundred and sixty-two he was duly admitted to practise as an Attorney and Solicitor in Her Majesty's Courts of Law and Chancery in this Province, and has been ever since continuously actively engaged in the practice of his Profession: And whereas the said John Wright has prayed that an Act may be passed to enable the Law Society of Ontario to call him to the Bar of Ontario and admit him to the practice of the Law as a Barrister at Law upon passing the final examination prescribed by the said society; And whereas it is expedient to grant the prayer of the said Petition:

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** It shall and may be lawful for the Law Society of Ontario, in their discretion and upon payment of the usual fees therefor, at any time to call and admit the said John Wright to the degree of Barrister at Law and to the practice of the Law as such Barrister at Law, on his passing such final examination as may be prescribed and deemed satisfactory by the said society without his compliance with any of the other requirements or provisions of law or other rules and regulations of the said society in that behalf, any law, custom or usage to the contrary notwithstanding.

Law Society to admit John Wright to the Degree of Barrister at Law, on certain conditions.





1874.—37 VICTORIÆ.

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